

University of Alberta

**IGOs, NGOs And States: A Case Study of
Egypt and The Processing Of Refugees**

by

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**A thesis submitted to the Faculty of Graduate Studies and Research in partial
fulfilment of the requirements for the degree of Master of Arts**

Department of Political Science

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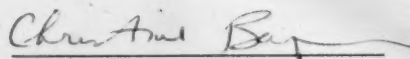
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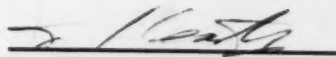

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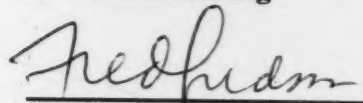
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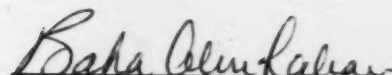
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Abstract

Over the past 20 to 30 years, the international security of individuals has come to encompass a more multi-dimensional perspective including human security. Within human security issues such as the environment, ethnic conflict, health and migration have come to the forefront. With respect to migration, the issue has become blurred between the national and the international causing the academic community as well as policy makers to re-evaluate the phenomenon. One unique aspect of this phenomenon is that, until quite recently, states were considered to be the only actors to deal with the issue of migration. With the changing way in which global governance takes place, both state and non-state actors have now become involved in every aspect of the issue.

In general, this thesis focuses on issues surrounding the refugee population around the world which currently stands at over 20 million. Specifically, the thesis argues for the usefulness of looking at different methods of global governance in order to gain a wider understanding of what is actually happening in the field using how Egypt deals with its refugees as the case study.

The research method I use in the thesis is to analyse information gathered from observations made while being an Intern with the UNHCR in Cairo, Egypt in the summer of 1998. I also use information gathered from interviews done with non-governmental organizations in Cairo that are involved in the day to day operations of refugee assistance as well as examine the relationship of global governance to the global community including the UNHCR, resettlement states, and non-governmental organizations.

This thesis is dedicated to my father who passed away at the beginning of the journey. He knew long before I did that I would finish it. To my mother for her unwavering support and to my uncle who dove in with me.

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A special note of thanks goes Mr. Mohamed Boukry, Mr. Adel Jasmin, Ms. Souria Saad Zoy and the staff at the UNHCR office. Their laughter and

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ABBREVIATIONS/DEFINITIONS

Asylum Seeker - Refers to persons who have left their countries of origin and have applied for recognition as refugees in other countries, and whose applications are still pending. Within the context of Canadian immigration regulations the term Asylum Seekers is used to define individuals who arrive in Canada and claim refugee status. These individuals are dealt with under the Immigration and Refugee Board.

CIC - Canada Immigration Centre

First Country of Asylum - The first country in which the refugee is provided temporary asylum after fleeing their country of origin.

ICRC - International Committee of the Red Cross

IDPs (Internally Displaced Persons) and Others of Concern - UNHCR extends protection or assistance to certain groups who were not included in the Office's original mandate, but whom the UN Secretary General or the UN General Assembly has requested UNHCR to assist.

Implementing Partner - "Operational partner that signs an implementing agreement and receives funding from the UNHCR"¹

International Humanitarian Law - The Conventions and Protocols of the International Committee of the Red Cross. There are 4 Conventions signed on August 12, 1949 and 2 Protocols signed on June 8, 1977.

IOM - International Organization for Migration

JRM - The Joint Relief Ministry, Cairo, Egypt

MSF - Médecins sans Frontières

NATO - North Atlantic Treaty Organization

NGO - Non Governmental Organization

OAU - Organization for African Unity

¹United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 26.

Operational Partner - "Governmental, inter-governmental and non-governmental organizations and UN agencies that work in partnership with UNHCR to protect and assist refugees, leading to the achievement of durable solutions"² (Durable solutions in this context refers overall solutions to refugee creation)

Refugee - "International law defines a 'refugee' as a person who is outside his or her country and cannot return because of a well-founded fear of persecution, or who has fled because of war or civil conflict. Refugee are persons recognized as such by governments which have signed U.N. or regional instruments on the status of refugees, or by UNHCR itself according to the definition contained in the High Commissioner's Statue."³

Repatriation - One of the solutions offered by the UNHCR to refugee. It is the process whereby the UNHCR assists refugees to return back to their country of origin

Resettlement - One of the solutions offered by the UNHCR to refugees. It is the process whereby the UNHCR assists refugees to find settlement in a country other than the first country of asylum.

Returnees - Refugees who return voluntarily to their country of origin

UNESCO - United Nations Educational, Scientific and Cultural Organization

UNHCR - United Nations High Commissioner for Refugees

WHO - World Health Organization

²United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 26.

³UNHCR, *UNHCR by Numbers - Table 2*, [article on-line] (accessed October 13, 1998); available from [http://www.unhcr.ch/un&ref/numbers/table2, htm](http://www.unhcr.ch/un&ref/numbers/table2.htm); Internet.

Chapter One

INTRODUCTION

Egypt, a country of approximately 60 million people, is famous for its pyramids. It is less famous for the tremendous work it does with the asylum seekers coming to its borders. Even with all the development issues Egypt currently experiences, such as high rates of illiteracy, high unemployment rates, and high poverty rates, it still opens its doors to between 2 and 6 million asylum seekers each year. The numbers are estimates as no official statistics are available. Historically, Egypt has followed the principles of international humanitarian law in the many treaties that it has signed, and in the specific approaches it has used for the protection of asylum seekers.⁴ The International Committee of the Red Cross cites documents dating back to pharaonic times that demonstrate Egypt's dealings with asylum seekers. For example, "there is a Decree issued by the Egyptian Pharaoh Sesostic II (Middle Kingdom, 2000 to 1650 BC) which provided for the safety and the right to asylum of a group of Asian foreigners"⁵ Another example is "in the 13th Century BC, the war between Egypt and the Kingdom of the Hittites was ended by a Treaty of alliance between Hattusili, the King of the "Kheta", and Ramses II, the King of Egypt.

⁴Ellabbad, Mohieddeen, *Peace and Security*, (Cairo: International Printing House, 1997), 7.

⁵Ellabbad, Mohieddeen, *Peace and Security*, (Cairo: International Printing House, 1997), 8.

The text is one of the oldest political treaties concluded in the history of mankind and it contains terms which guarantee the safety of political refugees when they are repatriated to their countries of origin"⁶ There are many more examples which demonstrate the history of the positive involvement of Egypt with asylum seekers. It is within this tradition that I begin the discussion on global governance and refugees.

A. Global Governance

There are over 900,000 Kosovar refugees deported from their land---ethnic cleansing on a massive scale in Rwanda---two suspected bombers of an airplane brought to trial in the Netherlands---a treaty signed to ban landmines---church groups involving themselves in the international debt crisis. Internet use is on the rise ---world finance has become more integrated---more people are travelling! The past few decades have brought these and other global challenges and changes into homes via the news media and television and the active participation of millions of people. What is interesting about these phenomena is that although international challenges of this type have always existed, new approaches for dealing with them are beginning to emerge. In particular over the last decade these new approaches have come to be termed 'global governance'.

The following discussion looks at global governance with a view to shedding light on its historical development and its many dimensions in contemporary

⁶International Committee of the Red Cross, *Peace and Security*, (Geneva: ICRC, 1998), 20.

debates and practice. First, a brief history of previous ways international relations was conducted is presented. In particular, I look at the role of the state as the only decision maker in the field of international relations. In addition, I give some examples of other approaches to international interaction. Second, I outline the new trends involving the use of non-state actors in international relations over the last 20-30 years, specifically as these trends are considered under the approach of global governance. Third, I provide a definition of global governance. Fourth, I present a newer model of global governance and indicate why it looks the way it does.

"The traditional international system has often been referred to as the Westphalian system after the Treaty of Westphalia of 1648 which recognized the state as the supreme or sovereign power within its boundaries and put to rest the church's transnational claims to political authority."⁷ It is at this time that the position of the state became solidified. Since 1648, many versions of the supremacy of the state in managing international politics have occurred. Examples of the supremacy of the state in global governance has taken on various forms such as colonialism, imperialism and the balance of power exhibited most recently during the Cold War. Much of state dominated governance at the global level has been rooted in hegemonic orders of varying geographical spread. These

⁷Mark W. Zacher, "The Decaying Pillars of the Westphalian Temple: Implications for International Order and Governance," in *Governance Without Government: Order and Change in World Politics*, ed. James N. Rosenau and Ernst-Otto Czempiel (Cambridge: Cambridge University Press, 1992), 59.

hegemonic orders sought to manage political and economic relations within certain geopolitical boundaries in the form of empires. The Cold War alternatively was an example of a bipolar approach to international relations between the 'west' and the 'east', particularly as led by the USA and the former Soviet Union.

These overarching political styles were in place, a new trend of global governance was emerging. This new trend was the greater involvement of non-state actors in the management of international relations. To understand this trend more fully, a very brief review of some alternative arguments is provided. As these authors make clear, states have also been involved in cooperative efforts using institutions to govern the global commons.

Gordenker and Weiss have provided a useful definition of the concept. "Global governance are efforts to bring more orderly and reliable responses to social and political issues that go beyond capacities of states to address individually"⁸. Andy Knight brings more nuance to the definition by including the economic as well as the military concerns of the state. He writes that "... global governance can be viewed as the attempt to orchestrate arrangements at the global, regional, and local levels in order to resolve a multitude of transnational dilemmas, ranging from socio-political and economic to military-security

⁸Thomas G. Weiss and Leon Gordenker, "Pluralizing Global Governance: Analytical Approaches and Dimensions," in *the NGOs, the UN, & Global Governance*, (London: Lynne Rienner Publishers, 1996), 15.

concerns, that are proving to be beyond the scope of individual states to solve"⁹.

These definitions highlight the transnational character of many contemporary problems and the need to look beyond the territorial state as the principal actor in addressing these problems.

Other political scientists look at global governance in different ways. James A. Caporaso looks at global governance through an economic perspective with his use of a cost/benefit analysis. This compares with James Rosenau's analysis which brings in the issue of subjectivity and inter-subjectivity among different actors. Rosenau speaks of global governance as "a system of rule that is as dependent on inter-subjective meanings as on formally sanctioned constitutions and charters...governance is a system of rule that works only if it is accepted by the majority (or, at least, by the most powerful of those it affects)."¹⁰ This position acknowledges that structures and process of global governance rely upon the conscious support of the participants, be they states or non-state actors.

An alternative review is presented by scholars working within a realist framework. "Kenneth Waltz argues that communities and systems of states are

⁹Knight, Andy W., "Engineering Space in Global Governance: the Emergence of Civil Society in Evolving 'New' Multilateralism", in *Future Multilateralism: The Political and Social Foundations*, (London: Macmillan Press, 1997), 259.

¹⁰James N. Rosenau, "Governance Without Government: Order and Change in World Politics," in *Governance, Order, and Change in World Politics*, ed. James N. Rosenau and Ernst-Otto Czempiel (Cambridge: Cambridge University Press, 1992), 4.

organized around two fundamental principles: hierarchy and anarchy"¹¹. Waltz bases his position in realism, stressing the central importance of the structure of the international system and the characteristics of the principal actors - states - which generate a balance of power that has consequences for the style of governance.¹²

Anne-Marie Burley and Miles Kahler, respectively, put slightly different twists on the topic. Burley states that "the multilateralism that characterizes postwar international regimes is a fundamental characteristic of a *liberal* world order."¹³ This characteristic, Burley argues, is designed by the United States¹⁴ because it is "most inclined and most able to project its domestic political and economic arrangements on the world"¹⁵ Kahler agrees with her and states that "global governance, ...or in his words, international governance is the 'governance

¹¹K.J. Holsti, "Governance Without Government: Polyarchy in Nineteenth-Century European International Politics," in *Governance Without Government: Order and Change in World Politics*, ed. James N. Rosenau, and Ernst-Otto Czempiel, (Cambridge: Cambridge University Press, 1992), 30.

¹²K.J. Holsti, "Governance Without Government: Polyarchy in Nineteenth-Century European International Politics," in *Governance Without Government: Order and Change in World Politics*, ed. James N. Rosenau, and Ernst-Otto Czempiel, (Cambridge: Cambridge University Press, 1992), 32.

¹³Anne-Marie Burley, "Regulating the World: Multilateralism International Law, and the Projection of the New Deal Regulatory State" in *Multilateralism Matters: The Theory and Praxis of An Institutional Form*, ed. John Gerard Ruggie, (New York: Columbia University Press, 1993), 125.

¹⁴Ibid.

¹⁵Ibid.

of the 'many', was defined by the United States after 1945 in terms of certain principles, particularly opposition to bilateral and discriminatory arrangements that were believed to enhance the leverage of the powerful over the weak and to increase international conflict"¹⁶ Kahler goes on to argue that the incorporation of the many in the process of global governance would downplay the dominance of the great powers.

Although all the political scientists presented above provide interesting and useful views on the meaning of global governance, Lawrence Finkelstein provides the clearest definition of global governance in his article *What is Global Governance*. Finkelstein states that "global governance is governing, without sovereign authority, relationships that transcend national frontiers. Global governance is doing internationally what governments do at home."¹⁷

In addition to the discussion about alternative forms of global governance presented by the academic community, discussion is also occurring at other levels. This discussion is, in part, reflected in documents such as *Our Common Future* and *Our Global Neighborhood*. These documents were produced by prominent individuals and groups acting in their own capacity and not as representatives of states. For example, particular individuals with experience in the environmental

¹⁶Miles Kahler, "Multilateralism with Small and Large Numbers", in *Multilateralism Matters: The Theory and Praxis of An Institutional Form*, ed. John Gerard Ruggie (New York: Columbia University Press, 1993), 295.

¹⁷Lawrence S. Finkelstein, "What is Global Governance?", in *Global Governance* 1/3, Sept.-Dec., 1995:369.

field were called on, by the United Nations, to establish a independent report on global environmental issues. *Our Common Future*, which was produced in 1987, dealt with the environment in its broadest context. One of its key missions was "to recommend ways concern for the environment may be translated into greater co-operation among developing countries and between countries at different stages of economic and social development and lead to the achievement of common and mutually supportive objectives that take account of the interrelationships between people, resources, environment and development..."¹⁸

In other words, the report attempted to link people, resources, environment and development to achieve a set of common goals which met the needs of these different actors. The report, itself, however reflected a different approach to global governance, one that would allow for the greater involvement of nongovernmental organizations and international organizations in this policy arena.

On the other hand, *Our Global Neighborhood*, which was written in 1995, looked at new ways in which the international community can deal with a wider array of international issues. "The Commission on Global Governance was established in 1992 in the belief that international development had created a unique opportunity for strengthening global cooperation to meet the challenge of securing peace, achieving sustainable development, and universalizing

¹⁸The Commission on Environment and Development, *Our Common Future*, (Oxford: Oxford University Press, 1987), viiii.

democracy”¹⁹ In addition, it argues that “there is no alternative to working together and using collective power to create a better world”²⁰. Among its many proposals, the Commission recommended the greater inclusion of nongovernmental actors in the process of global governance, including a proposal for a People’s Assembly as part of the United Nations system. As with many of the theoretical writings, these reports are bringing another facet of global governance to the table, one that establishes a place for the participation of the non-state actors.

While the above represents different perspectives on global governance, it is still necessary to ask: what does this new trend look like? One of the key features has been the increased prominence of nongovernmental organizations (NGOs). NGOs, as used here, are non-state actors. Gordenker and Weiss write that these actors “consist of durable, bounded, voluntary relationships among individuals to produce a particular product, using specific techniques”²¹ These actors can and do operate above and below the state. There are many partnerships between states and NGOs. As in the public and private sector, the NGO community now covers

¹⁹Commission on Global Governance, *Our Global Neighborhood*, (Oxford: Oxford University Press, 1995), 359.

²⁰Commission on Global Governance, *Our Global Neighborhood*, (Oxford: Oxford University Press, 1995), 2.

²¹Thomas G. Weiss and Leon Gordenker, “Pluralizing Global Governance: Analytical Approaches and Dimensions” in *NGOs, the UN, & Global Governance*, eds. Thomas G. Weiss and Leon Gordenker, (London: Lynne Rienner Publishers, 1996), 18.

the fields of health, education, and the banking services, just to name a few. "The access of NGOs to decision-makers in both North and South is greater than ever before, as their advocacy role continues to expand and they are courted in debates over policy and practice"²² Recent statistics have seen the exponential growth of NGOs around the world. For example, the "NGOs registered in the OECD countries of the industrialized 'North' have grown from 1600 in 1980, to, 2970 in 1993"²³. Even in countries in the 'south' there has been a sharp increase. For example there are an estimated 30,000-50,000 grass roots support organizations in the southern countries which cover everything from "the search for sustainable solutions.....to income generating and entrepreneurial activities"²⁴. For example, registered NGOs in the Nepal "rose from 220 in 1990 to 1210 in 1993"²⁵

As a specific example, the development of global governance in the area of the environment has seen the rise of groups such as Greenpeace. A good illustration of the growing sized influence of NGOs is evident in comparing the 1972 UN Conference on the Human Environment right to the 1992 UN

²²David Hulme and Michael Edward, "Conclusion: Too Close to the Powerful, Too Far from the Powerless?" in *NGOs, States and Donors: Too Close For Comfort?*, (New York: St. Martin's Press, 1997), 5.

²³David Hulme and Michael Edward, "NGOs, States and Donors: An Overview" in *NGOs, States and Donors: Too Close For Comfort?*, (New York: St. Martin's Press, 1997), 4.

²⁴Roger Charlton and Roy May, "NGOs, Politics, Projects And Probity: A Policy Implementation Perspective", *Third World Quarterly* 16/2, 1995:238.

²⁵Ibid.

Conference on the Environment and Development. Whereas the 1972 conference did not see much involvement by the NGO community, the 1992 conference saw the integral involvement of the NGO community. This involvement contributed to the negotiations of the global climate treaty which was cumulated at the conference.²⁶ Furthermore, this approach became a precedent in future partnerships between global governance and women. The outcome was the integration of the NGO community into the UN-NGO Conference on Women in 1995, resulting in several thousand women's groups attending the conference.

As the NGO community has become more involved in global governance, so has it become more influential or at the very least has gained greater access to decision making bodies. Part of this strength comes through its involvement with the United Nations. For example, many of the larger NGOs have direct access to the Secretary General of the United Nations. "The secretary-general must see the heads of ICRC or Oxfam if appointments are requested in the same way that he must see the presidents of the International Chamber of Commerce, or of the Society of International Development, or of the Socialist International or Liberal International"²⁷ The international nature of some NGOs also gives them a constituency far beyond national boundaries. This constituency not only includes

²⁶Mathews, Jessica T., "Power Shift" in *Foreign Affairs*, (New York: Council on Foreign Relations Inc., 1997) 76/1:55

²⁷Antonio Donini, "The Bureaucracy and the Free Spirits" in *NGOs, the UN, & Global Governance*, eds. Thomas G. Weiss and Leon Gordenker, (London: Lynne Rienner Publishers, 1996), 87.

the membership numbers but access to large sums of funds as well. For example, the current "combined budgets of CARE, World Vision and Catholic Relief Services, the three largest NGOs, exceed \$1 billion".²⁸

A second partnership has been created through global governance. This partnership is taking place between the NGO community and the International Governmental Organization (IGO) community. There are numerous IGOs which deal with many aspects of state-to-state relations. These organizations include the World Trade Organization, the Commonwealth of States, NATO, IOM, and Interpol. The organizations are as diverse as the issues they deal with. The most comprehensive of these IGOs is the United Nations which covers countless aspects of life. According to its charter, the United Nations was created in an effort "to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression....or settlement of international disputes or situations which might lead to a breach of the peace."²⁹

United Nations agencies, such as the UNHCR, UNESCO, and WHO, have also contributed to the process of global governance. These agencies have made

²⁸Andrew S. Natsios, "NGOs and the UN System in Complex Humanitarian Emergencies" in *NGOs, the UN, & Global Governance*, eds. Thomas G. Weiss and Leon Gordenker, (London: Lynne Rienner Publishers, 1996), 71.

²⁹University of Minnesota, Human Rights Library, United Nations, *Charter of the United Nations: Purpose and Principles (Chapter I)*, [article on-line] (accessed 15 December, 1998); available from <http://www1.umn.edu/humanrts/instree/aunchart.htm>; Internet.

positive and creative contributions to certain issues which can be used to further enhance the process and substance of global governance. For example, the UNHCR has developed several methods to assist in the area of refugee status determination. Education and girls has been a key mission of UNESCO and the communities it deals with. Child immunization and the WHO are now synonymous. The positives outlined are only one aspect of the United Nations and global governance. Other agencies, such as the World Bank or International Monetary Fund whose images are sometimes tarnished because of work they have done, do not generate favourable reviews of global governance and still need to prove themselves up to the challenge of the changing face of global governance. The negative impact left by the work of these organizations in the past could limit the scope of global governance and take many years to reverse.

Apart from the United Nations and the NGOs, global governance has also come to encompass other actors, mainly the business sector. The business sector have been involved in the international scene for many years. However, over the past 20 to 30 years, these sectors have become even more influential in determining the way global governance is being carried out. Examples of this involvement include financial donations by private interests to the NGOs and the IGOs. For example, financial tycoons as Ted Turner donating millions of dollars to the United Nations; the private sector providing transportation to assist in the movement of Kosovar refugees across national boundaries; church groups teaming up with businesses to provide ethical mutual funds for investment

purposes. The darker side of the inclusion of other actors in global governance includes the illegal transportation of people across national boundaries for the purposes of slave labour or the movement of monies for the purpose of drug trafficking.

There are many reasons why global governance has evolved as it has over the past decade not all of which can be identified or discussed here. The following highlights only two of these reasons. The first reason for the changes in patterns of global governance is because the state has been downloading its responsibility to the community. This downloading has its foundations in a philosophy which believes that the state should not be involved in people's lives. A direct offshoot of this attitude is that the community can do a better job of assisting people than the state. The unfortunate result of this is that when problems arise, the state is tempted to deflect responsibility onto 'stakeholder groups', NGOs or other groups and thus distance problems from itself. This has been the case not only in international problems where problems have been given to the UN or regional organizations when states do not wish to deal with them directly, but domestic ones as well.

Another reason is one of finances. Many states have decided to pay the NGO community to do the work it formerly did. For example, the Canadian government provides funding to immigrant serving agencies to provide orientation to any newcomers to Canada. However, as efficient and effective as this approach is, it has created other problems. This approach has created an underclass sector

of an underpaid, undervalued group of individuals. The up-side of this union is that, by having both the state and the NGO/IGO community involved in dealing with an issue, there is a shared responsibility between the two sectors.

Thus to conclude. The overview provided above is a brief outline of many aspects of global governance. As this thesis deals with the Egyptian approach to refugee status determination, this thesis will proceed with the purpose of determining how that country's approach fits into this discussion of global governance. The approach used in Egypt seems to encompass many of the changes that have taken place in the area of global governance. The actors use many of the partnerships of global governance outlined previously. For example, there is the extensive involvement of the NGO community. There is also the co-operation between the state of Egypt and other actors including the NGOs and the UNHCR. In addition, there is also the interaction between the UNHCR and these other actors both within civil society as well as the representatives from different states. All these combined make up what is happening in Egypt. However, before delving any further into these issues, other aspects of the refugee issue need to be outlined.

B. The History of Refugees and Refugees in Africa

The history of refugees dates back to early times resulting from the many wars and civil unrest experienced by human kind throughout history. These

circumstances created individuals who were forced to flee their homeland.³⁰ Most countries have produced refugees at one point or another in their history. The political turmoil, particularly in the 20th century, has seen an explosion in the numbers of refugees.

Over the years a number of international refugee conventions have been put in place to address the question of refugee protection including, most notably, the 1951 United Nations Convention and the 1967 Protocol to the Convention. Other Conventions have been adopted to complement these. In Africa, in addition to the 1951 definition, refugees fall under the 1969 *Organization for African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa*. The unique aspect of the OAU definition is that it expands the 1951 definition "of a refugee to include persons who were compelled to leave their country not only as a result of persecution but also owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his (her) country of origin or nationality"³¹. This Convention will be dealt with in more detail further on. In South America, the 1984 *Cartagena Declaration on Refugees* was put in place to deal with refugees in that region. The unique aspect of the Cartagena Declaration is that it covers "massive

³⁰United Nations High Commissioner for Refugees, *UNHCR at a Glance*, (Geneva: UNHCR, 1995).

³¹United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 7.

violation of human rights"³².

As of the beginning of 1998, the global figure of refugees was divided in the following manner. Africa had 3,481,700 refugees, Asia had 4,730,300 and Europe accounted for 2,940,000. Latin America had 83,200 refugees. North America had 668,500 and, Oceania had 71,100.³³ In human terms these numbers are mothers, fathers and children, teachers and doctors, fishermen and truck drivers. Their skin colours are black, white, yellow, brown and all skin colours in between. They belong to faith communities including Christian, Muslim, Hindu, just to name a few. Some famous people who were refugees were Albert Einstein and Sigmund Freud. The former Spanish president and author Felipe Gonzalez Marquez was a refugee. Others refugees include Mikhail Baryshnikov, Rudolf Nureyev, Marlene Dietrich, and Aleksandr Solzhenitsyn.³⁴

Although refugees have many common features, refugees from African have a particular history which is uniquely their own. Many years of political turmoil have created refugees throughout the continent. This decade alone has seen refugees from numerous countries including Burundi, Ethiopia, Somalia, Sudan,

³²United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, Geneva: UNHCR, 1996), 7.

³³United Nations High Commissioner for Refugees, *UNHCR by Numbers - Table 2*, [article on-line] (accessed 13 October, 1998); available from <http://www.unhcr.ch/un&ref/numbers/table2.htm>; Internet.

³⁴United Nations High Commission for Refugees, *Information Brochure: There Was No Greater Sorrow On Earth Than The Loss Of One's Native Land*, (Geneva: UNHCR, 1992).

Rwanda, and Yemen³⁵. However, alongside this turmoil, the continent also has a long history of hospitality. Many of the refugee-producing countries also host refugees from their neighbouring states. As a result of turmoil during the 1950s, work was done by the various governments on the African continent to put regional legal instruments in place to address the protection of refugees. Part of the outcome of this work was the creation of the Organization for African Unity (OAU) and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.

Since its inception in 1963, the OAU has dealt with the issue of refugees located in Africa. The organization used two approaches in tackling the issue of African refugee protection. The OAU encouraged those members who had not already signed onto the UN 1951 Convention, to do so. In addition, the OAU decided that it needed a regional refugee treaty to deal with the particular political characteristics of Africa. This led the OAU to request its Commission on Refugees to develop recommendations on a possible convention relating to refugees. In 1969 the OAU adopted the Convention on Refugees as indicated previously.

The OAU Convention was set up as a complement to the UN 1951 Convention. It expanded the 1951 definition to extend refugee class "to people who were compelled to leave their country not only as a result of persecution but

³⁵United Nations High Commissioner for Refugees, *UNHCR Country Profiles - Egypt*, [article on-line] (accessed 30 September 1998); available from <http://www.unhcr.ch/world/afri/egypt.htm>; Internet.

also 'owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his (or her) country of origin or nationality'".³⁶ As of 1995, 41 members of the OAU had acceded to the African Convention.³⁷ It has become Africa's principle international legal instrument on questions of African refugees. Furthermore, as a result of this work the UNHCR now uses both definitions in its determination of refugee status on the African continent.

To conclude, over the past several decades, positive strides in international law have been made in the treatment of refugees and asylum seekers. However, one must look behind what is presented and review the details of the actors involved to gain a deeper understanding of all the dimensions of the issue. This review will be addressed in chapter two.

³⁶United Nations High Commissioner for Refugees, *Information Paper 1994*, (Switzerland: UNHCR Secretariat, 1994), 5.

³⁷United Nations High Commissioner for Refugees, *Africa's Refugees: Tackling the Crisis*, (Zaire: UNHCR, 1995), 4.

Chapter Two
THE ACTORS INVOLVED IN
THE PROTECTION
OF REFUGEES

This chapter takes one step back to examine how states and non-state actors are involved with the protection of refugees. In particular this discussion focuses on who these actors are, how they operate and what type of relationships they have with others involved in this area. Generally speaking three types of actors are involved in the protection of refugees. Besides the refugees; states, international governmental organizations (IGOs) such as the UNHCR and non-governmental organizations (NGOs) are involved at different levels of the issue. In general, each actor looks after a particular aspect of refugee protection.

The first of these actors are states. States get involved with the issue of refugee protection on a number of levels. The following outlines this involvement from the local to the international level. The first part discusses how states, by their actions, affect refugees. The second part looks at how states, through their use of monies and policies, impact the production of refugees.

First and foremost, states can and do produce refugees. Refugees are created by various state practices such as state-sponsored terrorism as has occurred in many countries. Or, the state could be fighting against organized groups within the society. This might include groups which the state deems a threat to itself.

States that are in close proximity to the conflict can also influence refugee

flows by their decision not to block the passage of refugees who travel through their borders onward to a first country of asylum. This influence can be achieved by putting or not putting regulations in place, such as the requirement for exit visas.

States can also keep their borders open to refugees by being first countries of asylum. In addition, they can also use a positive approach to those who live inside their borders without residence permits. This flexibility is demonstrated by the absence of regulations which restrict the physical movement of these refugees within the country. Furthermore, states can also create policies and structures to assist in legalizing refugees in the community or in allowing them to work in specific sectors of the society. Egypt certainly falls within this category, opening its doors to millions of individuals and providing legalized residence status to UNHCR mandated refugees.

In the case of countries of resettlement, states take a number of refugees for permanent resettlement. This long-term settlement may offer the refugee an opportunity to become a citizen or return to their country of origin should the political situation change. North America, Europe, Australia and New Zealand are the current regions and states involved in this aspect of refugee protection. However, the numbers of refugees accepted by these countries and regions is only approximately 1.2 million as compared to the 20 million or so refugees around the world.

The second groups of actors involved in this area are international

nongovernmental organizations. These NGOs "consist of durable, bounded, voluntary relationships among individuals to produce a particular product, using specific techniques."³⁸ As with states, NGOs are involved with the protection and movement of refugees on a number of different levels and arguably play as critical a role as the first country of asylum and the resettlement countries.

In the countries of origin, NGOs assist IGOs to ease the situations which may cause individuals to flee their countries of origin. They can also work separately within their own mandates or in conjunction with other international bodies to implement programs in support of refugees. This assistance follows refugees from their country of origin to the first country of asylum right through to the countries of resettlement.

On a local level, the activities performed by NGOs can be a result of their own mandates or may also involve the provision of services on behalf of particular IGOs. The activities performed by NGOs are as varied as providing living stipends for the refugees and providing medical services to refugees living in refugee camps. These activities can also range from public education to the provision of vocational training in areas as varied as sewing and silver-smithing.

On a national level, NGOs are involved in a number of different activities. NGOs can provide public information and education on specific issues. Usually, this is done with the consent of the state. In addition, NGOs can play an advocacy

³⁸Thomas G Weiss and Leon Gordenker, "Pluralizing Global Governance: Analytical Approaches and Dimensions" in *NGOs, the UN, & Global Governance*, (London: Lynne Rienner Publishers, 1996), 18.

role with the state on issues which concern the protection of refugees. These issues can range from self-sufficiency to deportation concerns. NGOs also work with refugee issues in the countries of resettlement. In this context, NGOs work in a similar way to the first countries of asylum. The work in the countries of resettlement can involve everything from program delivery to advocacy work with the state.

On an international level, NGOs work in a number of capacities. Because NGOs encompass large numbers of individuals from many parts of the world, they have the ability to access, as well as gather, information which may not be available to either states or IGOs. In addition, this information may enable NGOs to do advocacy work on behalf of refugees. The nature of the advocacy often depends on the mission statement of the particular NGO. Advocacy can also take place at a international forum or with particular IGOs depending on the group and their particular interests.

The funding for the work that NGOs do comes from several sources. It can come from IGOs which work with them. It can come from sister organizations around the world, or from the parent organizations of the particular NGOs. In some circumstances it can also come from local fundraising initiatives. Many NGOs also rely on national governments for financial assistance. This may not however, extend to those governments that host NGOs. For example, based on their Annual Reports, the NGOs which operate in Egypt do not seem to receive any funding from the government of Egypt.

Finally, there are a number of factors which determine what kinds of relationships take place between these organizations. First there are the personal elements involved within and between organizations. The term personal in this context covers issues which traditionally are considered personal in nature such as friendships and relationships. Second is the national setting in which these relationships take place, of which the laws and structure of the host government is most important. Third is the mandate of the particular organization. Fourth is the history of the various organizations and especially relationships the organization have had previously with each other or with other actors. All the above influence the intra and inter-institutional dynamics which in turn have a direct effect on the development and implementation of policy.

The first factor is the people who work within these institutions. The personal as well as the professional relationships that individuals develop with others influence the type of relationship that takes place between the organizations. This particular factor rests on issues such as the reputations of individuals, their performance, commitment, fairness and understanding of the issues. These traits are often ignored in analysis; however, looking at the Egyptian experience, these issues were an integral part of its success.

The second factor in this discussion is the national setting in which these relationships take place. How relationships develop and form is influenced by the country in which they take place. Within this discussion, issues of laws or lack of laws become important. Is there political stability? That is, is there a

working government with all the administrative institutions associated with it? What type of political as well as social culture exists to give the relationship its form? In the case of Egypt, for example, both national and international laws govern operations of the NGO community. The Egyptian government has laws in place to ensure the actions of the organizations involved with refugees are in accordance with how, as a state, it wants to conduct its national and international relations. These laws set the parameters in which the NGOs operate. NGOs and the UNHCR currently fall under laws which range from how and when they can fundraise to which government departments they must interact with. The extent to which the NGOs work in Egypt indicates that the parameters are wide and positive. With respect to the social culture, the NGOs function within a particular national view of themselves and of the refugees. This view runs the gamut of a community which sees NGOs as extensions of the 'west's' need to control their country to the view that having these organizations proves that Egypt has taken its rightful place in the international community. In other words the country is a 'doer' - a protector of refugees rather than a country in need of international hand-outs.

The third factor is the mandate of the organizations themselves. There needs to be some aspect of the mandate which opens the door for relationships to begin. This aspect can even be a certain flexibility that a mandate may provide. For example, is there a clause in a mandate which encourages the actor to get involved when there is an emergency? Does the mandate encourage the NGO to become

involved with the community-at-large? The forming of interesting and creative relationships sometimes happens in this manner. By becoming involved with others in an emergency situation, for example, the actors are offered an opportunity to begin a relationship which may be carried over to other fields of interest. Besides having mandates which deal with different aspects of one issue, this flexibility can indicate a willingness to be involved in creative cooperation where, normally, there would be none.

The fourth and final factor is the institutional history of the actors. This institutional history comes in the form of the particular history of the actors involved and the history of the relationships between the actors. What sorts of activities have these actors been involved with previously? Have there been previous relationships between the actors in question? Do the respective actors have a history of working with other actors, in general? Is there a history of fiscal responsibility by one or all actors? Have any of the actors been involved in ground breaking activities which proved to be an effective method of dealing with an issue? All these questions need to be addressed before relationships are engaged in to any degree, and in the case of Egypt, the NGOs involved have a long history of working in the field of refugee protection: individually, collectively and with each other.

Chapter Three

WHAT IS THE UNHCR AND THE REFUGEE STATUS DETERMINATION PROCESS IN EGYPT?

Introduction

Having outlined who refugees are and the actors involved with refugees in general, the following section lays out the method with which refugees are processed in Cairo, Egypt. The discussion has three components. The first component examines the UNHCR and the work it does for the protection of refugees within the Egyptian context. The second component reviews the NGO community that works with refugees and asylum seekers in some way. This component is further broken down in the following manner. First, a history of the NGOs is given. Second, there is an outline of what each of the NGOs do in general and their connection to the UNHCR. The following NGOs will be discussed, Caritas, the Cairo Family Planning Association, the Joint Ministry - St. Andrew's Church, All Saints Cathedral, the Middle East Council of Churches, Médecins sans Frontières, the International Organization for Migration, the International Committee of the Red Cross, the Cairo Institute for Human Rights Study, and Save the Children. The NGOs are discussed in the thesis in the order of the extent to which they are involved with both the UNHCR and the refugees. Those more closely and actively involved with the UNHCR are discussed first.

A. What is the UNHCR and the Refugee Determination Status Process in Egypt?

In the early part of the 20th century governments were dealing with the results

of World War I, the Russian revolution and the collapse of the Ottoman empire.³⁹ The connection between refugees, international protection and the international community of states dates back to these times. Soon after the League of Nations was established in 1920, it saw the need to define refugees as "specific groups of people who were judged to be in danger if they returned to their home countries."⁴⁰ In addition, it created the Position of High Commissioner for Refugees in 1921 as an international instrument to deal with this issue. To ensure an effective relief effort, the League appointed the renowned Arctic explorer Fridtjof Nansen as the first High Commissioner for refugees.⁴¹

Nansen's history with the protection of refugees dates back prior to his appointment as Commissioner. Nansen had been a believer in the principles of the League of Nations and had undertaken several major humanitarian operations prior to his appointment. In 1920 he undertook to arrange for the repatriation of half a million prisoners of war throughout south-eastern Europe and the Soviet Union. In 1921 Nansen undertook another relief effort to feed 30 million people who were starving as a result of a severe famine in the Soviet Union.

As the Commissioner, in 1921, Nansen introduced the Nansen passport, a

³⁹United Nations High Commissioner for Refugees, *Information Paper 1994*, (Switzerland: UNHCR Secretariat, 1994), 1.

⁴⁰United Nations High Commissioner for Refugees, *Issues - History*, [article on-line] (accessed 7 December 1998); available from <http://www.unhcr.ch/issues/history/hist.2.htm>, 1; Internet.

⁴¹*Ibid.*

forerunner to the current Convention Travel Document for refugees. This document allowed thousands of refugees to return home. In 1922 Nansen again became involved with the war between Turkey and Greece. As a result of this war hundred of thousands of people fled their homeland. Nansen proposed and implemented a program to aid the movement of people from one country to another with the League of Nations providing funds to people to assist with reintegration.⁴² Nansen continued his work as the High Commissioner for refugees until his death in 1930. Nansen and the League of Nations developed other international instruments to deal with refugees, from more specific definitions to identity papers and travel documents. This work continued until the onset of World War II.

The League of Nations was replaced by the United Nations in 1945. Right from the outset, the United Nations took steps to protect refugees through the creation of the International Relief Organization (IRO). The mandate of the IRO covered refugees who came out of Europe after World War II and was the predecessor to the United Nations High Commissioner for Refugees.

The United Nations High Commissioner for Refugees (UNHCR) replaced the IRO through a United Nations General Assembly resolution in 1951. The founding mandate of the UNHCR "defines refugees as those who have fled their countries because of a well-founded fear of persecution for reasons of their race, religion, nationality, political opinion or membership in a particular social group

⁴²Ibid.

and who cannot or do not want to return".⁴³ The mandate went on to become the *1951 Convention Relating to the Status of Refugees*. The Statute states that a refugee is a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his (or her) nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself (or herself) of the protection of the country".⁴⁴ As it was hoped that the refugee crisis in Europe would come to an end, the Convention of 1951 covered only those individuals who had become refugees before January 1, 1951. Since this was not the case a Protocol was put in place in 1967 to address the changing face and circumstance of refugees. This Protocol abolished the January 1, 1951 deadline. To date 136 states are party to the Convention and or the Protocol. Every three years a new High Commissioner is chosen. The current High Commissioner, Mrs. Sadako Ogata, is in her second term in office.⁴⁵

The UNHCR operates within the following framework. For the last four years, 15 major donor states have contributed 95% of the organization's budget.

⁴³United Nations High Commission for Refugees, *Information Brochure: There Was No Greater Sorrow On Earth Than The Loss Of Ones Native Land*, (Geneva: UNHCR, 1992).

⁴⁴United Nations High Commissioner for Refugees, *Information Paper 1994*, (Switzerland: UNHCR Secretariat, 1994), 4.

⁴⁵United Nations High Commissioner for Refugees, *The High Commissioner*, [article on-line] (accessed 13 October 1998); available from <http://www.unhcr.ch/un&ref/ogata/ogata.htm>; Internet.

The UNHCR also receives 2% of its budget for administration from the United Nations general budget. In addition, the organization receives 36 million US dollars of in-kind services from the private sector. These in-kind services include such things as free air flights and the like. The 1998 budget for the organization was 1.1 billion US dollars. This figure is in contrast to the budget figures of 1972 which stood at 9.4 million US dollars.⁴⁶ The UNHCR currently has 244 offices in 118 countries comprising over 5000 staff working in the field of refugee protection. The ratio between refugees to workers is 1:4000. These figures are an increase when compared to, for example, the year of 1982 when the UNHCR had 99 offices around the world with 1566 staff working with refugees.⁴⁷ The figures presented here reflect the growth of the involvement of the UNHCR with individuals who have been displaced from their home and also reflects the dramatic increase in the numbers of refugees. Yet, as much as funding has increased, the overwhelming demand for the services of the UNHCR often exceeds existing funds.

The UNHCR is involved with the protection of refugees, voluntary repatriation, field programs in education, health and shelter, self sufficiency, and the emergency movement of large numbers of refugees. Specifically, with regard

⁴⁶United Nations High Commissioner for Refugees, *Issues - Funding*, [article on-line] (accessed 7 December 1998); available from <http://www.unhcr.ch/issues/funding/rm10208.htm>; Internet.

⁴⁷United Nations High Commissioner for Refugees, *Issues - Funding*, [article on-line] (accessed 7 December 1998); available from <http://www.unhcr.ch/issues/funding/rm10208.htm>, 1; Internet.

to the protection of refugees, the UNHCR uses a three-step approach. The first is voluntary repatriation. This is the solution most preferred where persons are voluntarily returned to their country of origin. If the UNHCR is able to implement this solution it works closely with all concerned parties to ensure the safety of the population. This includes setting up legal frameworks to "protect the rights and interests of refugees"⁴⁸. The second option the UNHCR uses is local settlement. Local settlement has refugees settled in countries in the same geographical region or the first country of asylum. When this approach is used the UNHCR will provide programs to support the self-sufficiency of the refugees. The UNHCR uses the third option of resettlement when the first two options are not feasible.

Worldwide, the UNHCR has 453 implementing partners.⁴⁹ These partners are spelled out under the Statute of the Office. Implementing partners as defined by the UNHCR are "specialized government departments or agencies, other members of the United Nations system, non-governmental and inter-governmental organization(or) private firms"⁵⁰ that receive funding. Its current major

⁴⁸United Nations High Commissioner for Refugees, *Information Paper 1994*, (Switzerland: UNHCR Secretariat, 1994), 8.

⁴⁹United Nations High Commissioner for Refugees, *UNHCR & Refugees - UNHCR by Numbers*, [article on-line] (accessed 13 October 1998); available from <http://www.unhcr.ch/un&ref/numbers/numbers.htm>; Internet.

⁵⁰United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 26.

implementing partners are the World Food Program, the United Nations Children's Fund, World Health Organization (WHO), United Nations Development Program (UNDP), and the Humanitarian Affairs Secretariat at the United Nations. The UNHCR also works in close cooperation with the International Committee of the Red Cross (ICRC), and the International Organization for Migration (IOM).

As this thesis is primarily concerned with Egypt, the next section focuses on the UNHCR office in Cairo and how the office makes its refugee status determinations. Currently the UNHCR has a number of offices in Africa including Egypt. The office in Egypt is a Regional Office which deals with refugees not only coming into Egypt but into several other countries in the region. The UNHCR office in Egypt has been there since 1954. There are between 2 and 6 million asylum seekers located in Egypt. Out of this figure, in 1998 the UNHCR recognized approximately 12,000 persons as refugees under its mandate. The majority of refugees in Egypt live in the capital city of Cairo. In general, the function of the UNHCR in Egypt is the determination of refugee status to assist the Egyptian government in its dealings with the large numbers of asylum seekers. In addition, "it helps the neediest refugees with subsistence allowances, education, health care, vocational training and income generating activities. There are also English language and computer courses as well as basic health education

including sanitary education and family planning activities"⁵¹.

As in many institutions, the UNHCR in Cairo has a process in place to ensure that it assists as many people as possible. The following overview outlines how asylum seekers become refugees under the UNHCR mandate.

Asylum seekers come to the UNHCR office and make an appointment for a refugee eligibility determination interview. A number of outcomes result from this interview. A negative outcome leads to either the case being closed or an appeal to reconsider the facts. If a rejection on appeal takes place the case is closed.

On the other hand, a positive outcome enables the refugee to continue in the process. Should it be deemed appropriate by the protection officer that the refugee may qualify for resettlement, the file is flagged for further action. In addition, if a positive status eligibility outcome is achieved, the refugee gets an appointment for verification. This verification ensures that all those who were approved as refugees are indeed accounted for in the UNHCR files. Their pictures and personal details such as birth dates and names are documented. As verification takes place, an appointment is made for the refugees to obtain proper documentation for a temporary residence permit from the Egyptian government.

As indicated before, should the file be flagged for possible resettlement, following the verification process an interview is set up to do a resettlement

⁵¹United Nations High Commissioner for Refugees, *UNHCR Country Profiles - Egypt*, [article on-line] (accessed 30 September 1998); available from <http://www.unhcr.ch/world/afri/egypt.htm>; Internet.

eligibility interview. At this interview the resettlement officer determines whether the refugee is eligible for resettlement and if eligible, determines which country of resettlement would be most appropriate for the case. At this point the officer assembles the case for submission to the embassies of countries of resettlement for their consideration. When the embassies are ready to interview they contact the refugees, interview them and make the final decision on whether they are accepted to that particular country. If this interview is unsuccessful, the UNHCR office re-submits the case to another country of resettlement.

A key philosophy involved in this process is to move people smoothly through the system. Underlying this are the principles of efficiency, fairness and, consistency. Efficiency is the ability to move people through the system in a timely manner. Fairness ensures that those individuals who need to gain access to process, do so. Consistency is the ability of the process to generate similar decisions for similar cases on a regular basis. This is not to say that there may be exceptions, but these would be just that, exceptions not the rule.

As there is a process in place on how refugee status is determined, so too is there a method with which the UNHCR operates vis a vis the NGO community. This method has a long history. "When the UNHCR was first established, material aspects of refugee relief were seen to be the responsibility of the Government which granted asylum. However, as many of the world's major refugee flows since then have occurred in less developed countries, the UNHCR

has acquired the additional role of providing material assistance for refugees"⁵²

"The UNHCR concentrates its resources on Africa, Asia and parts of Europe... In Western Europe and North America governments generally meet the cost of assistance to recognized refugees"⁵³

"From the outset, UNHCR's work was intended to be undertaken jointly with other members of the international community"⁵⁴. In 1950, the UNHCR statute mandated its involvement with the NGO community⁵⁵ under a formal structure which was put in place under the United Nations Charter article 77⁵⁶. As its activities have expanded and diversified, UNHCR's relations with its implementing partners have become increasingly important. "Over the decades, non-governmental organizations continue to provide the most sustained and devoted service to the cause of refugees, returnees and other persons of concern. They not only provide substantial aid from their own resources but frequently

⁵²United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 4.

⁵³Ibid.

⁵⁴United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 28.

⁵⁵United Nations High Commissioner for Refugees, *Refugees*, III, (Geneva: UNHCR, 1994), 1.

⁵⁶Thomas G. Weiss and Leon Gordenker, "Pluralizing Global Governance: Analytical Approaches and Dimensions in *NGOs, the UN, & Global Governance*, (London: Lynne Rienner Publishers, 1996), 21.

carry out specific UNHCR projects.”⁵⁷

UNHCR’s operations in the field range from large-scale, complex emergencies for the benefit of hundreds of thousands of refugees, to minimal assistance for a limited number of individual refugees in towns and cities.

UNHCR’s financial contribution to its partners ranges from contributions of a small percentage of a partner’s overall budget to representing the major source of a partner’s funding. Many partners are with UNHCR at all stages of the planning and implementation process, while others depend on UNHCR to determine the nature and scope of their involvement.

Overall, the UNHCR funds the majority of its activities through its General Programme funds. The General Programme activities cover both protection and assistance.⁵⁸ “These programme funds are not optional but an undertaking by States to finance the Offices’s basic, statutory operations, by asylum nations, host nations, refugees; and by the UNHCR to deliver adequate, cost-effective protection coverage, assistance and, where possible, durable solution”⁵⁹ There are other funds; Special, Emergency, etc. that cover unique situations. These will not be dealt with here.

⁵⁷United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR’s Partners*, (Geneva: UNHCR, 1996), 28.

⁵⁸United Nations High Commissioner for Refugees, *UNHCR Fundraising: The General Programmes - UNHCR Core Activities*, [article on-line] (accessed 12 July 1998); available from <http://www.unhcr.ch/fdrs/gpapp.htm>, 2; Internet.

⁵⁹*Ibid.*, 2.

“Delegation of the implementation of an assistance project is embodied in an implementing agreement.”⁶⁰ This document is signed by UNHCR and the implementing partner and is legally binding.⁶¹ The implementing agreement defines the conditions governing the implementation of a project and provides authority for the use of the funds. For implementing partners, implementation can only begin after the implementing agreement has been formulated, issued and signed.⁶²

“The choice of an implementing partner for project implementation is determined by several factors, including the scale, nature and location of the project under which assistance is to be provided. In many instances, a government department will implement a component of the project”.⁶³ NGOs may also be selected to implement another part of the project.⁶⁴

“A prerequisite for any UNHCR implementing partner is that the partner must be willing to work with all intended beneficiaries regardless of their race, religion, nationality, political opinion or gender, and must provide assistance on the basis of agreed needs only without linking this, either directly or indirectly, to any

⁶⁰United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 28.

⁶¹Ibid.

⁶²Ibid.

⁶³Ibid.

⁶⁴Ibid.

ethnic, religious or political consideration".⁶⁵ The NGOs must meet four basic conditions in order to be considered by UNHCR as an implementing partner.

The NGO must have established a working relationship with the government that allows them to operate within the country concerned. The NGOs "must have the authority to operate a bank account in the country of program implementation and the ability to maintain separate accounts for any expenditures incurred on behalf of UNHCR".⁶⁶ Furthermore, the NGO must be able to demonstrate financial reliability through the production of official audit statements.⁶⁷

"Because each refugee situation is unique, the responsible UNHCR Representative must take a number of additional criteria into consideration when selecting appropriate implementing partners. The UNHCR must maintain flexibility in its selection criteria to assure the desired effectiveness, efficiency and quality of services to the refugees".⁶⁸ These criteria are recommended for use by the administrative body of the UNHCR for its field offices such as Cairo. This flexibility and leeway are demonstrated by the style and accomplishments of

⁶⁵United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 28.

⁶⁶United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 29.

⁶⁷Ibid.

⁶⁸United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 29.

Regional Representatives as in the case of Egypt. The Representative has close contact with state officials. He also keeps the lines of communications opened at all times. He encourages a pro-active approach to problems and is front and center in meetings between the UNHCR and the NGO community. All these re-enforce the importance of the personal aspects of accomplishing its organizational mandate.

The NGO partner must meet a pre-defined need for the UNHCR to establish a working relationship with it. The organization must be able to demonstrate a "previous ability to deliver its programs effectively, either in the same country or elsewhere".⁶⁹ Furthermore, the NGO must be able to respond to emergencies at short notice. The likelihood of successful implementation of a program of assistance "will be greatly improved if the partner can be involved with the UNHCR at the planning stage".⁷⁰ In addition, consideration by the UNHCR is given to NGO partners that already have "an ongoing program in the country and for whom an expansion of work would not be administratively difficult".⁷¹ The NGO must also show that it is "able to make a contribution of resources to the

⁶⁹United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 29.

⁷⁰United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 29.

⁷¹*Ibid.*

program in cash or kind (e.g. staff and administrative support)".⁷² At the very least, "NGO and UNHCR fund-raising efforts for assistance programs should be complementary".⁷³ Internally, the NGO must show that it is able to "maintain staff for sustained periods of time"⁷⁴ in order to "contribute to the continuity and stability of the program"⁷⁵ which will enhance and secure its benefits to the refugees involved.

There is a recognition by the UNHCR that implementing partners need time to become acquainted with UNHCR reporting, administrative and operating procedures. Ideally partners should have previous experience working with UNHCR.⁷⁶ "This should not, however, exclude new partners whose other qualities make them suitable for the provision of assistance".⁷⁷

The UNHCR also prefers to select a national or local NGO, or an international NGO with a local affiliate, as a partner "since they may be better acquainted with the local situation. For a refugee assistance program, they can provide elements such as cultural awareness, knowledge of local conditions, ability to work

⁷²Ibid.

⁷³Ibid.

⁷⁴Ibid.

⁷⁵Ibid.

⁷⁶United Nations High Commissioner for Refugees, *Partnership: A Programme Management Handbook for UNHCR's Partners*, (Geneva: UNHCR, 1996), 29.

⁷⁷Ibid., 30.

effectively at the grass roots level, language skills, recognition and cooperation from local authorities"⁷⁸, just to name a few. In addition, in certain sensitive refugee situations, the presence of international staff from an international NGO can be beneficial to the refugees. For example, when refugees cross into countries which are experiencing political turmoil of their own, it may be better for all parties to have a non-state actor present to cut down on possible cross-border problems, such as using refugees as pawns in the local fighting. In other words, for the sake of neutrality or perceived neutrality of states which may be involved in the peace negotiations at a later date, it could prove to be beneficial if these states have minimal contact with the countries involved in the fighting.

If the need arises, "a consortium of NGOs who pool their resources to provide a coordinated response to refugee needs could be advantageous".⁷⁹ In addition, the NGO "should be able to plan for a phase-out or phase-down of their involvement through, ... the recruitment and training of refugees and/or local staff"⁸⁰. All these aspects are not absolute requirements, however the UNHCR looks favorably on the existence of them when dealing with an implementing agency. This is evident in Egypt by examining those NGOs which are used to assist refugees. Organizations such as Caritas, the Cairo Family Planning Association or even the UNHCR itself use, train, and recruit local staff to do the

⁷⁸Ibid., 30.

⁷⁹Ibid., 30.

⁸⁰Ibid.

same work as the international staff. Therefore, in the event that the UNHCR or international NGOs have to leave, there are locals who can continue the work. This method of operating lends itself well to the use of NGOs that have personnel who are effective, well-established and have a proven record of performance.

With respect to Egypt, the UNHCR budget there is 4.3 million (\$US). This budget is allocated in three sectors. The first is a collaboration with the United Nations Development Program (UNDP). The UNDP administers the United Nations Volunteer (UNV) program which assists the UNHCR with respect to staffing. This program is a paid program. As of August 1998, there were six volunteers which were employed by the UNHCR, Cairo. The second collaboration is with the United Nations Relief Works Agency for Palestine Refugees in the Near East, the World Health Organization and NGOs. This project was to provide assistance to stranded Palestinians at the Salloum border between Egypt and Libya between 1995 and 1997. The third collaboration is with the NGO and the IGO communities in Egypt. The UNHCR also provides funding for programs with other IGOs in Egypt.

In the area of program delivery, the UNHCR pays for "subsistence allowance, education, health-care treatment, vocational training and income generation activities."⁸¹ In addition, funding is provided for "basic health education

⁸¹United Nations High Commissioner for Refugees, *UNHCR Country Profiles - Egypt*, [article on-line] (accessed 30 September 1998); available from <http://www.unhcr.ch/world/afri/egypt.htm>; Internet.

including sanitary education and family planning.⁸² By outlining the area of program delivery, the UNHCR is able to focus its efforts rather than going in so many directions that its efforts in refugee protection become diluted.

B. Who are the NGO and the IGO communities in Cairo?

As indicated earlier, the UNHCR combines its work on refugee protection in Egypt with several NGOs in Cairo. However important refugee status determination is, the UNHCR sees other needs of refugees as equally important. These needs range from medical services to vocational training. It is in these areas that the NGOs are more heavily involved. It is this perspective which demonstrates more inter-dependence between the UNHCR and the NGOs and gives the NGOs an enhanced role in the refugee status determination process and refugee protection. The UNHCR sees the use of the NGOs in Egypt as an effective and efficient way to achieve its goals. Although the UNHCR works with all the NGOs which are covered in the next part of this discussion, it considers only those which are provided funding as implementing partners.

The following outlines the process and roles of each of the organizations involved with refugees in Egypt and Cairo in particular. The organizations are presented in the order of how closely they are tied to the UNHCR both financially and otherwise. The organizations are; Caritas Internationalis - Egypt, the Cairo Family Planning Association, Médecins sans Frontières, the Joint Relief Ministry of All Saints Cathedral and St. Andrew's Church, the Middle East Council of

⁸²Ibid.

Churches, International Organization for Migration, the International Committee of the Red Cross (ICRC), Save the Children, and the Cairo Institute for Human Rights Studies.

Caritas Internationalis - Egypt

Caritas Internationalis is an international NGO dating back to 1897. Caritas is the Latin word for charity. Since 1897, the movement has grown to over 144 affiliations working on five continents. "The goal of Caritas is the promotion of the human being, regardless of race, colour or belief."⁸³

The mandate of Caritas, Egypt is "to work for the development of the Egyptian people."⁸⁴ Caritas in Egypt was established in 1967 during the Arab-Israel conflict "providing food, remedies, clothes, etc. to the thousands of people moving from the area of the Suez Canal to other places throughout the territory."⁸⁵ Over the years, Caritas has taken on many activities and, to date, has 28 programs across Egypt. The programs range from combatting literacy and the provision of housing to the poor to AIDS awareness and refugee assistance.

In 1976, Caritas, independently became involved with refugees who came from both Africa and Asia. In 1988, the UNHCR approached Caritas to become an implementing partner by assisting UNHCR mandated refugees. This occurred because the organization is recognized by the local community as one of the

⁸³Caritas-Egypt, *Annual Report 1995*, (Egypt: Caritas, 1995), 6.

⁸⁴Caritas-Egypt, *Annual Report 1995*, (Egypt: Caritas, 1995), 1.

⁸⁵Caritas-Egypt, *Annual Report 1995*, (Egypt: Caritas, 1995), 7.

largest NGO in Egypt, has a strong administrative capacity to get the job done, and has a long history of working with refugees. The staff as well as the organization as a whole have an established reputation of being effective in the field of refugee assistance. In addition, the organization has strong local roots in that the staff are Egyptian nationals, who come from the local community. Finally, the organization works throughout Egypt which gives it a uniquely Egyptian perspective which may make it more attune to the local needs of the community.

Caritas, through the UNHCR funding, provides a living stipend to refugees. In addition, Caritas staff provide social, vocational and employment counselling, medical assistance through an in-house doctor, and general follow-up to families in their day-to-day living.⁸⁶ As of 1995, Caritas dealt with 1173 families from 18 countries. The majority of the refugees that Caritas deals with come from Somalia, Sudan, Ethiopia, Rwanda, Burundi, Yemen, Bosnia, Afghanistan, Iraq, Palestine, and Syria.

Caritas, along with the UNHCR and the Egyptian government also assists about 170 Armenian senior citizens who are recognized internationally as being stateless since World War I. Caritas provides social services including taking them on outings from time to time. By including these individuals within its mandate, the UNHCR is able to access funding to give them a living stipend. The Egyptian government provides the residence permit and general protection inside

⁸⁶Caritas-Egypt, *Annual Report 1995*, (Egypt: Caritas, 1995), 26.

the country.

The refugee assistance provided by Caritas on behalf of the UNHCR comprises a small but important component of the organization's overall program delivery to the community. The organization's funding sources vary from private donations to funding from its affiliated national and international partners to the UNHCR. Because of its diverse funding sources, Caritas is also able to provide assistance to asylum seekers.

The Cairo Family Planning Association

The Cairo Family Planning Association was established in 1967 as a branch of the Egyptian Family Planning Association. Its goals are "to promote the voluntary practice of family planning as a human right particularly -- to spread awareness of the importance of family planning as a health benefit and as one of the community based solutions to the population problem: encourage and maximize the effective practice of family planning among women in Cairo; bring awareness among women in the fertility age (of child bearing age) about proper and desirable health practices for them and for their children, reinforce the concept of voluntarism in the family planning work"⁸⁷

The association's role is to support and coordinate activities in family planning in Cairo. In particular, the association organizes, coordinates and supervises family planning centres with respect to the technical, financial and

⁸⁷Cairo Family Planning Association (CFPA), *Information Paper*, (Egypt: CFPA, 1989), 2.

administrative aspects. It also supplies the centres with up to date contraceptives available. It organizes appropriate education and training programs in cooperation with related agencies. It undertakes research studies in family planning. In addition, it organizes and operates demonstration projects for Cairo and other communities throughout the state. As well, the association researches sensitive issues related to human rights, taking steps to change attitudes and practices detrimental to health and well-being.⁸⁸ The association's funds come from different sources including fees for services, and charity bazaars.

In 1993, the Cairo Family Planning Association was approached by the UNHCR to become partners in its work with refugees. This request led to the association becoming another implementing partner of the UNHCR. The UNHCR funds the association to provide programs to UNHCR mandated refugees in two areas; health and vocational training. In the area of health, programs are provided on nutrition, first aid, reproductive health and elimination of female circumcision. In the area of vocational training, programs are provided for sewing, cooking and fine arts.

The association's programs on behalf of the UNHCR run all year round. The programs are provided on a first come first serve basis. However, the association will not turn anyone away. If a program is full, applicants will be placed in the next available program. Each of the programs runs 2 months with 25 persons per

⁸⁸Cairo Family Planning Association (CFPA), *Information Paper*, (Egypt: CFPA, 1989), 2-3.

section. The age of the participants (women and men) range from 18 to 60 years, reflecting the openness of the program to the whole refugee population. The association works with different organizations in the community to provide the trainers. These trainers range from members of the Ministry of Health to specialists in the medical field who work in the local hospitals.

All the association's programs are provided with two issues in mind. First, they are provided to assist the refugees in their day to day life in Cairo and second they are provided to assist the refugees to prepare themselves for possible overseas resettlement.

Médecins san Frontières

Médecins sans Frontières (MSF) was established in 1971 by a group of French doctors.⁸⁹ It was awarded the Nobel Prize for Peace in 1999 in recognition of its humanitarian work. "Médecins san Frontières is a private, non-profit, international humanitarian organization whose objective is to provide medical aid to populations in crisis. This organization is "the first non-governmental organization to specialize in emergency medical assistance"⁹⁰ The organization relies on volunteer health professionals and is independent of all states and institutions, as well as of all political, economic or religious influences."⁹¹

⁸⁹Medecins San Frontieres, *Activity Report: July 1996 - June 1997*, (Belgium: Médecins Sans Frontières International Office, 1997), 12.

⁹⁰Ibid.

⁹¹Medecins Sans Frontieres, *Information Brochure*, (France: Desubg Kigker+Rekow, 1997).

Assistance is provided whether the emergency is natural or man-made.

Overall, MSF's funds come from a variety of sources including the European Economic Community, and from donations, concerts, and book sales. However, out of its total budget "two-thirds of Médecins sans Frontières' funds come from private donations. Médecins sans Frontières (feels that) "moral independence is best guaranteed by this financial autonomy."⁹²

That being said, the MSF mandate also covers assistance to refugees. The organization assists refugees who live in refugee camps around the world which number approximately 5 million. The conditions in the camps give rise to "specific human and sanitary problems that MSF endeavours to solve with the collaboration of public health specialists."⁹³ This aspect of its mandate brings it into a direct relationship with the UNHCR. The work done by MSF in the camps is funded by the UNHCR qualifying MSF as an implementing partner of the UNHCR.

As elsewhere in the world, the work done by MSF in Egypt from 1995 through 1998 involved both the refugee community as well as the community-at-large in the field of public health. The Egypt office of MSF handled all requests from the Middle East region. From 1995 to 1997, MSF and the UNHCR worked together with refugees located in the Salloum camp between Libya and Egypt.

⁹²Médecins Sans Frontières, *Who Are You? 1971-1991*, (Geneva: Henri Berger Productions, 1992), 4.

⁹³*Ibid.*, 3.

MSF provided health care and basic sanitation services. They also provided tents and blankets. This project lasted until the refugees were returned to Libya.⁹⁴ Up to 1998, there were two MSF country groupings which worked in Egypt; Greece and Belgium. The office in Egypt closed in late 1998 and was transferred elsewhere. MSF felt that its resources were in greater need elsewhere in the world.

Joint Relief Ministry - All Saints Cathedral and St. Andrew's Church

"The Joint Relief Ministry (JRM) is a program of the All Saints Cathedral in co-operation with Saint Andrew's church in Cairo which supports displaced Africans."⁹⁵ "The JRM serves people from Sudan and other African countries living in Cairo, who have fled their country due to war or disaster, who have well-founded fears of return due to persecution or loss of rights or who are recognised by the UNHCR. JRM works with both refugees, as well as asylum seekers, and provides services to thousands of clients. The JRM serves by providing humanitarian assistance and spiritual guidance and encouragement to help build self respect and self sufficiency in preparation for repatriation or resettlement."⁹⁶

The aims of the programs are "to welcome people into the community of the

⁹⁴Medecins Sans Frontieres, *Activity Report: July 1996 - June 1997*, (Belgium: Médecin Sans Frontières International Office, 1997), 84.

⁹⁵Joint Relief Ministry(JRM)/All Saint's Cathedral, *Annual Report 1997*, (Egypt: JRM, 1998), 3.

⁹⁶Joint Relief Ministry(JRM)/All Saint's Cathedral, *Annual Report 1997*, (Egypt: JRM, 1998), 3.

church. To demonstrate God's love in the caring projects we offer. To care for the spiritual and physical needs of the people who come from Sudan and other African countries, regardless of religious background. To enable and empower people to solve some of their own problems. To stand beside our Christian brothers and sisters and encourage them to continue in their faith. To be involved in preparing people for return to their country when peace comes."⁹⁷

The services provided by JRM are comprehensive and range from medical clinics, covering all aspects of health care to a clothing store and, several income generating projects (sewing, crafts, printmaking and jewellery). Although it works closely with the UNHCR, it does not receive funding from the UNHCR at this time as it receives funds from elsewhere. All the funding for its programs are provided by different international partners in the United Kingdom, Australia and other countries.

The Middle East Council of Churches

The Middle East Council of Churches was founded in 1974. The Council's history, however, started in 1902 when Yoachim III, Patriarch of Constantinople, issued an encyclical raising the issue of Christian unity. The international engagement of the Patriarch and his community led to the birth of the

⁹⁷Joint Relief Ministry(JRM)/All Saint's Cathedral, *Annual Report 1997*, (Egypt: JRM, 1998), 3.

International Missionary Council, "Faith and Order, and Life and Work."⁹⁸ "In them the main Protestant churches declared their intention to move toward unity and reconciliation"⁹⁹ This work led to the creation of the World Council of Churches in 1961 and eventually to the Middle East Council of Churches.

The key mandate of the Council is to be the "meeting-place for the indigenous churches of the region (the Middle East), a facilitator of their common response to common needs. It encourages and supports relationship between its member churches in an ecclesiastically sensitive manner adhering to the historical confession for the united Church, the Apostles' and Nicene Creeds, to which all its members subscribe"¹⁰⁰ The work they do stems from their beliefs and what they believe they are called to do by God which includes the work they do with refugees.

The Council's main centres of activities in Egypt are Cairo and Alexandria. In these cities the Council includes the Catholic, Orthodox and Protestant faith communities. Over the past 5 years, through these faith communities, the Council has been actively involved with assisting refugees, as well as asylum seekers. Each faith community, through its respective churches, operates specific

⁹⁸The Middle East Council of Churches, *History*, [article on-line] (accessed 30 September 1998); available from <http://www.mecchurches.org/history.htm>, 1; Internet.

⁹⁹Ibid.

¹⁰⁰The Middle East Council of Churches, *About*, [article on-line] (accessed 30 September 1998); available from <http://www.mecchurches.org/about.htm>, 3; Internet.

programs.

For example, several Anglican churches provide financial assistance to 55 poor Sudanese families who are considered to be displaced persons. This financial assistance goes toward food and household expenses. Another example which took place a number of years ago, is that several Catholic churches provided a stipend of \$500.00 to about 200 Sudanese university students who were afraid to return to Sudan when the civil war was going on.

A new initiative being undertaken by the Council and its member churches is in the area of public education. Work is being done to bring greater awareness to the faith communities on the plight of refugees, both in and outside Egypt. Because of the history of the region, there seems to be a general conception that the only refugees are Palestinian. The 'common man and woman on the street' are not aware that there are other refugees apart from the Palestinians.¹⁰¹

The relationship between the Council and the UNHCR is not formal; however, both organizations are aware of what the other brings to the issue of refugee protection. Currently there are no financial connections between the Council of Churches in Egypt and the UNHCR. This may be due to the short formal history of the involvement of the Council in refugee issues. It may also be due to the fact that the Council deals with refugees from a faith perspective. The faith aspect is mentioned not as a negative aspect but as an acknowledgement of the particular

¹⁰¹Mr. Aimid of Cairo, Egypt, Middle East Council of Churches, telephone interview by author, 23 August, 1998.

role the Council plays in the Middle East with respect to the interfaith dialogue and the political implications of this. Whatever the reason, the future may hold a closer relationship with the UNHCR depending on how active the Council becomes in the issue.

International Organization for Migration (IOM)

In 1951, the United States and Belgium created the IOM as the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME). The organization was renamed the Intergovernmental Committee for European Migration (ICEM). Its name was changed again in 1980 to the Intergovernmental Committee for Migration (ICM). In 1989, the International Organization for Migration got its current mandate because of constitutional amendments.¹⁰²

The "IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental body, IOM acts with its partners in the international community to "assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; [and] uphold the human dignity and well-being of migrants"¹⁰³

¹⁰²International Organization for Migration, *A Brief History of IOM*, [article on-line] (accessed 30 September 1998); available from <http://www.iom.ch>; Internet.

¹⁰³International Organization for Migration, *Information Paper IOM*, [article on-line] (accessed 30 September 1998); available from <http://www.iom.int>; Internet.

"Humanitarian migration programmes provide migration assistance to persons fleeing conflict situations, to refugees being resettled in countries of resettlement or repatriated, to stranded individuals and unsuccessful asylum seekers returning home, to internally and externally displaced persons, to other persons compelled to leave their homelands, to individuals seeking to reunite with other members of their families and to migrants involved in regular migration. IOM provides these individuals with secure, reliable, cost-effective services including: counselling, document processing, medical examination, transportation, language training and cultural orientation and integration assistance. Such services may be provided singly or in combination depending on the activity, programme, or needs of the individual.

Humanitarian migration activities also include the provision of emergency assistance to persons affected by conflict and post-conflict situations. IOM has participated in virtually every emergency involving large-scale movement of people since it was founded. IOM offers its services to vulnerable populations in need of evacuation, resettlement or return."¹⁰⁴

Only member states of the United Nations that believe in the free movement of people can be members of the IOM. As of 1995 there were 59 member states and 42 states that have observer status. Its involvement with states comes only at

¹⁰⁴International Organization for Migration, *Information Paper IOM*, [article on-line] (accessed 30 September 1998); available from <http://www.iom.int>; Internet.

the request of that state. The organization is not a member of the United Nations. This comes out of an agreement between it and the United Nations to keep the two organizations separate entities to ensure its independence. Its funding comes from its member states, the migrants and the organizations that transport people.¹⁰⁵

The history of IOM in Cairo and Egypt began in 1991 as a result of the Gulf crisis. Egypt requested their assistance in the transportation of individuals affected by this crisis. As a result of this request, the IOM assisted in an emergency program to repatriate migrants in the war areas. In 1992 Egypt became a formal member of the IOM. The IOM was permitted to stay in Cairo and currently provides assistance in the transportation of thousands of refugees per year.

In Egypt, the IOM works both with the UNHCR as well as resettlement countries. Transportation of refugees ready for resettlement is the key support it provides to the UNHCR. In addition, it will provide transportation to refugees who wish to return to their country of origin. IOM also has separate agreements with resettlement countries. For example, in the countries of Canada and the USA, the IOM arranges for the medical checks of the refugees in addition to transportation services. In the case of Australia, transportation is the only assistance provided by the IOM to refugees destined to that country.¹⁰⁶

¹⁰⁵IOM Officials, Cairo, International Organization for Migration, interview by author, 28 July, 1998.

¹⁰⁶IOM officials, Cairo, Egypt, International Organization for Migration, interview by author, 28 August, 1998.

International Committee of the Red Cross (ICRC)

International Committee of the Red Cross's history dates back to 1859. The Committee was born out of experiences encountered by Mr. Henry Dunant during the battle of French and Italian troops against the Austrians in Solferino, Italy. The treatment of the wounded was so inadequate that Mr. Dunant "set about helping them, regardless of their nationality, calling on the local population to join him"¹⁰⁷ The official Committee was established in 1863.

"The ICRC is the founding institution of the International Red Cross and Red Crescent Movement which now has the following components; the International Committee of the Red Cross, the International Federation National of Red Cross and Red Crescent Societies..., and the National Red Cross and Red Crescent Societies..."¹⁰⁸ Over the years the ICRC's role within the international community has evolved. The organization's current mandate comes from its Geneva Conventions and Protocols. There are four Conventions, signed on August 12, 1949 and two Protocols, signed on June 8, 1977.

The ICRC deals with refugee issues through its Fourth Convention and the two Protocols. These definitions cover civilians in enemy or occupied territory, stateless persons, and civilians who are forced to flee to other areas which are also

¹⁰⁷International Committee of the Red Cross (ICRC), *Information Brochure*, (Switzerland: ICRC Publications Division, 1996).

¹⁰⁸International Committee of the Red Cross (ICRC), *Information Brochure*, (Switzerland: ICRC Publications Division, 1996).

in conflict.¹⁰⁹ "In time of war, civil war or internal disturbances or tensions....ICRC acts as a neutral intermediary between belligerents or adversaries and endeavours to ensure that the victims of such conflicts, whether civilian or military, receive protection and assistance....The ICRC can take any humanitarian initiative consistent with its role as a specifically neutral and independent institution"¹¹⁰ This approach complements the work that the UNHCR does, however, the ICRC does not receive funding from the UNHCR. The ICRC receives funding from several other sources including states, National Societies, payment for services and private donations.¹¹¹

The history and work of the ICRC in Egypt dates back to 1952 when Egypt became a member of the organization. The ICRC office in Cairo does some valuable work in the dissemination of information on international humanitarian law. The ICRC has, for example, put an educational program together about refugees on Refugee Rights Day, and has undertaken a public education campaign around the issue of returnees. It has also provided sessions to the Egyptian armed

¹⁰⁹Lavoyer, Jean-Philippe, Refugees and internally displaced persons: International Law and the role of the ICRC, [article on-line] (accessed July 1998); available from <http://www.cicr.org/unicc/icrcne.../6cbeecb31f117d5a412562050062239e?OpenDocumen..>, 1995, 4, Internet.

¹¹⁰International Committee of the Red Cross (ICRC), *Information Brochure*, (Switzerland: ICRC Publications Division, 1996).

¹¹¹International Committee of the Red Cross, (ICRC), *Annual Report 1996*, (Switzerland: ICRC Publications Division, 1996), 327-329.

forces on international humanitarian law. In 1996, it produced a cartoon series for young people published in the largest newspaper in Egypt, Alaa El Din and also worked with the UNHCR to express its concern for approximately 200 Palestinians stranded in no-man's-land near Salloum, between the Egyptian and Libyan borders. One of the most interesting projects undertaken by ICRC and recently completed is a translation of historical Arabic folk tales used to inform the public about international humanitarian law.¹¹²

Save The Children - USA

Save the Children was founded in 1932 originally to help coal miners' children in Appalachia during the Great Depression. As a non-profit, non-sectarian, non-political relief and development agency, Save the Children was dedicated to making lasting, positive change in the lives of disadvantaged children in the United States. Save the Children began its international work when the organization launched a campaign to assist European children displaced by World War II. It now works in 40 countries. Save the Children USA is a member of the international Save the Children Alliance, the world's oldest and largest consortium of non - governmental organizations working on behalf of children. The Alliance comprises 25 independent organizations which work in more than 100 nations.¹¹³

¹¹²International Committee of the Red Cross, (ICRC), *Annual Report 1996*, (Switzerland: ICRC Publications Division, 1996), 255.

¹¹³Save the Children - *1998 Annual Report*, [article on-line] (accessed 30 September 1998); available from <http://www.savethechildren.org/annualreport98/index.html>; Internet.

Save the Children in Egypt, as elsewhere in the world, works within the mandate of the parent organization which is to support programs that benefit children over the long run.¹¹⁴ However, each country is given the flexibility to develop programs which are adapted to meet the unique needs of the specific communities they work in. The programs in each country are shaped to reflect the local culture and available resources, such as those currently in Egypt. Furthermore, the Organization has also incorporated the Convention on the Child as part of its program processing.

Save the Children's mandate in Egypt dates back to 1982. "The Egyptian program is guided by a commitment to gender equity and to the full participation of individuals, groups, and communities as both decision-makers and beneficiaries."¹¹⁵ Programs in Egypt include water and sanitation projects in Upper Egypt, an educational project for emergency areas in Qena Governorate, maternal and child health, and flood relief projects in Upper Egypt. Save the Children implements "programs that benefit children through improving health, sanitation and hygiene, increasing educational opportunities particularly for girls, and improving economic opportunities to low income families"¹¹⁶. Children

¹¹⁴Save the Children - 1998 Annual Report, [article on-line] (accessed 30 September 1998); available from <http://www.savethechildren.org/annualreport98/index.html>; Internet.

¹¹⁵Save the Children, *Group Guaranteed Lending and Savings in Cairo*, (Cairo: Save the Children), 1998, 1.

¹¹⁶Save the Children, *Group Guaranteed Lending and Savings in Cairo*, (Cairo: Save the Children), 1998, 1.

within the context of Save the Children include all children, even refugees and asylum seekers. At the point of writing this thesis, the refugee component of the work of Save the Children is only a small portion of its overall work in Egypt.

"Save the Children work in Egypt is supported by individuals and organizations in the USA, as well as by USAID, UNICEF, other international and bilateral donors, and by private foundations and companies in Egypt and around the world".¹¹⁷

Most recently, discussions have begun between the UNHCR and Save the Children with respect to joint projects in education and self sufficiency for women and children. As I don't have the exact reasons why these discussions have begun, I can only put forward some possible reasons. From the perspective of the UNHCR, 80% of its refugee clientele are women and children. The clientele that Save the Children works with are also women and children. Therefore both organisations assist these same clientele. To add to this, both Save the Children and the UNHCR have long histories of working with children and women all over the world which gives both organisations in-depth perspectives of the issues involved. A formal relationship between the two organizations is still in its early stages. Mandates, budget, commonalities, etc., of both organisations will determine how the relationship between Save the Children and the UNHCR develops.

¹¹⁷Save the Children, *Save the Children, USA in Egypt Brochure*, (Cairo: Save the Children, 1997).

Cairo Institute for Human Rights Studies (CIHRS)

The Cairo Institute for Human Rights Studies (CIHRS) was founded in 1993 "as a professional, non-governmental research centre specializing in the study of human rights in the Arab world"¹¹⁸ In particular, the Institute's main task "is to analyse and explain difficulties faced by the process of implementing the law of human rights in the Arab world. It strives to promote human rights in Arab countries through the development of intellectually vigorous and novel approaches conducive to surmounting problems of implementation"¹¹⁹

The Institute has a multi-dimensional library and provides information, seminars and courses to the public and post-secondary institutions in the field of human rights. In addition, the Institute, on a regular basis, does academic research and publishes books in the field of human rights in the Arab world. As CIHRS is a "no-profit company under Egyptian civil law"¹²⁰, it is permitted to receive donations and grants from persons or agencies both in and outside of Egypt¹²¹. However, it does not receive any funding from the UNHCR.

Although there is no financial relationship between the Institute and the

¹¹⁸Bahey El Din Hassan, ed., *Challenges Facing the Arab Human Rights Movement*, (Cairo: Cairo Institute for Human Rights Studies, 1997), 2.

¹¹⁹Cairo Institute for Human Rights Studies (CIHRS) *Booklet*, (Cairo: Cairo Institute for Human Rights Studies, 1994), 3.

¹²⁰Cairo Institute for Human Rights Studies (CIHRS) *Booklet*, (Cairo: Cairo Institute for Human Rights Studies, 1994), 22.

¹²¹*Ibid.*

UNHCR, their association is unique. The Institute provides the physical space for the UNHCR to provide information to the community at large and post-secondary institutions about international humanitarian law and refugees. For example, the UNHCR gives seminars and presentations to university students and international law lawyers on the issues of international humanitarian law and refugee protection. Both organizations endeavour to create greater awareness in the sectors of the community which develop policy on the subject matter. Although the partnership between the Institute and the UNHCR is an important one, the issue of refugee protection is only a small portion of the work of the Institute.

Chapter Four

THE INTERESTS AND RELATIONS BETWEEN STATES, THE UNHCR NGOS, AND IGOs IN EGYPT

A. Interests of the States, the UNHCR NGOs, and IGOs in Egypt

Whereas the previous section described the different NGOs that have been actively involved with refugees in Egypt, this section looks at the interests of the different actors involved with refugees as well as the relationships between and among these actors. As one views the motivations for the involvement of these actors in the area of refugee protection, each of the actors - the Egyptian state, the UNHCR, the NGOs, refugees and the countries of resettlement - have a mix of different interests which prompt them to act. The following outlines some of the more significant interests of these actors.

The State of Egypt

To begin, the state of Egypt has a number of interests that influence its policies towards refugee protection. A major thrust of the Egyptian government has been to be consistent and to be perceived as a state which acts in accordance with respect to its own history, tradition and with respect to international standards of refugee protection. This allows Egypt the opportunity to broaden its available policy choices of action. In other words, when a state demonstrates a consistent track record of action, the international community will allow it to take unique policy positions independently from time to time even if and when they deviate from acceptable practice.

The ability to be consistent and flexible at the same time provides the Egyptian state with an opportunity to deal with selective problems without the risk of coming into conflict with or alienating other actors. These problems tend to be on matters of national security and interest, sovereignty, and international credibility. The Egyptian state, with regard to national security, regardless of its interest in fostering cooperation between itself and the UNHCR or the NGOs in question, must ensure that its self interest or its perceived self interest is under its authority and control. By ensuring that it can have control over its national security and national self interest, the state of Egypt not only demonstrates its sovereignty to the actors in question, but to the international community. In addition to this, the state of Egypt demonstrates its authority and control to its own people. This last group helps the state retain its credibility in terms of such issues as the right to rule, and the legitimacy of its authority. This becomes important as the national government comes to rely more on outsiders to help in dealing with problems such as refugees that transcend national borders and national solutions.

Another interest, which is financial in nature, is the question of the costs involved in dealing with such a large number of refugees. As mentioned before, the UNHCR spends 4.3 million (\$US) in its work with refugees in Egypt. Considering the many costly and challenging development issues Egypt deals with on a daily basis, it may be in its interest to let the UNHCR absorb the costs of processing refugees as most of the money ends up in the Egyptian economy. This

also applies to the NGOs that work in Egypt. This money comes in the form of salaries, furniture, real-estate, transportation and communications, just to name a few. In the case of staff from international NGOs, they bring with them families who spend on living expenses, visitors from overseas and monies from their respective parent organization. All these funding sources contribute to the impact international monies have on the running of the economy. Even taking this into consideration, the state of Egypt still pays for the processing of the temporary residence permits.

UNHCR

As the state of Egypt has multi-dimensional interests so too does the UNHCR. First, the UNHCR, as a representative of the international community, has the responsibility of fulfilling its mandate to protect refugees around the world. This international community is represented by the United Nations and countries of resettlement. Second, as a funder of programs, it has an interest in whether those who are contracted meet their obligations, and that programs are effective in achieving their objectives. Third, it also has an interest in maintaining a good working relationship with the state of Egypt to ensure that it is able to function with some measure of freedom within the country.

In a broad context, the above interests contribute to the question of the competition for funding between the local offices. Each office must constantly ensure that its positive work is visible not only to external stakeholders but to its funding arm as well. These interests give the offices credibility in their requests

for funds. They also give the offices the positive justification for their existence. The Cairo office is no exception to this need. It is in the interest of the UNHCR office in Cairo to ensure that it is seen to be using its funds in a manner which is cost effective and addresses the concerns of its clientele.

This competition can be positive and negative. It is positive because it causes the offices to evaluate its approach on a regular basis. This evaluation can lead to the improvement of its internal and external working relationships. On the other hand it can lead to a constant focus on the bottom line leaving no room for creative thinking on problem solving.

Another issue which is brought out by the above relates to the approaches used by the local offices as compared to the head office. It is in the interest of the local offices to be and to be seen as offices which are at the forefront of refugee protection. This can give them the leeway to be able to make decisions which may or may not be in strict accordance with the 'official policy'. This leeway may be perceived as creative solutions to local conditions. In Egypt, this is demonstrated in the method that is used to set up initial appointments with asylum seekers.

NGOs

The third group of actors who are involved with the protection of refugees, the NGOs, also have several interests. First, they have an interest in protecting refugees. Second, they have the need to ensure that their particular organization is credible, and is perceived to be credible by outsiders. Third, the NGOs interest

also lies in ensuring that it maintains the financial and political support of those who may fund their work with refugees or have influence in the international arena. Organizations that support the work of the NGOs can be private donors, state governments and international institutions.

Refugees

As compared with the previous actors, when it comes to the refugees, the issue of interest could better be described in terms of need. Generally speaking, individuals do not set out to become refugees. The process of coming to Egypt as the first country of asylum depends on many factors. These factors include transportation, money and access. It is in the interests of the asylum seekers to gain refugee status under the UNHCR mandate. This allows them to gain access to a number of support mechanisms. Currently in Egypt the UNHCR provides a monthly living stipend to assist refugees with housing, food, and transportation. Individuals cannot access this money without being deemed a refugee by the UNHCR. Furthermore, by gaining refugee status, refugees can access temporary residence permits. These permits gives them legal status in Egypt. This, in turn, eliminates most law enforcement problems, such as getting picked up for not having legal residence documents.

Countries of Resettlement

Finally, there are the countries of resettlement whose interests need to be taken into account. Countries of resettlement have an interest to find solutions to the international problems which create refugees. Finding solutions prior to the

production of refugees may assist people to stay in their homeland. These solutions can take the form of establishing stronger economic and educational ties or opening up diplomatic dialogue. These solutions may prove to be beneficial for them in the international market place as well contribute to the development of other economies. In addition, these solutions contribute to the reduced need for refugees to be resettled elsewhere around the world. This reduced need in turn reduces the cost to the countries of resettlement for such things as the provision of housing, food, accommodation, transportation and the like. However, there is another side to this reduced need. Although initial resettlement costs are a consideration, the benefits of refugee resettlement, until now, have not been fully accounted for. There is still a lack of understanding by countries of resettlement on the wealth of experience, education and talent refugees bring to their adopted country. This is demonstrated by the severe migration restrictions which are currently in place in Europe and North America. As indicated earlier, out of 20 million refugees which currently exist around the world, only 1.2 million are accepted for resettlement.

Another interest for the countries of resettlement relates to their international obligation. Countries that have signed the 1951 Conventions may consider that it is in their interest to live by this Convention. To do so creates a sense of mutual obligation for the first country of asylum Egypt, and for the countries of resettlement. As the countries of resettlement meet their international obligation so too must the Egyptians meet theirs. For its part, Egypt has taken its

international obligation seriously by opening its borders to millions of asylum seekers. On the other hand the number of refugees taken by countries of resettlement still reflect a small fraction of the total figure.

From an ideal perspective, one can take a humane view on this and say countries of resettlement are interested in finding durable solutions for the sake of the betterment of the global community. This durable solution entails not only ensuring that asylum seekers are able to have access to positive refugee determination, but to enable individuals to live without fear for their personal safety in any given country, whether this is in their country of origin, first country of asylum or country of resettlement. Admittedly this outlook is not based in reality, but in the dream of a better world where all men and women can live in peace and harmony.

B. The Relationship Between the Actors in Egypt

Whereas the previous section identifies a number of interests which are important to the actors, this section outlines the nature of the relationship between the actors in Egypt as it relates to the processing of refugees.

Egypt

The relationship between Egypt and the international community of states occurs on many levels. These ties are broad and include diplomatic ties, trade, tourism, etc. Egypt is independent in making decisions related to its state, but has connected itself to the world by signing Conventions, trading with nations, and generally becoming part of global community. With respect to refugee protection,

Egypt is a signatory of the Convention on Refugees and Protocol. In addition, Egypt is aware that many countries that it interacts with are also countries of resettlement.

Egypt attempts to be neutral towards refugee producing countries and the refugees produced by them. This position may be as a result of Egypt's appreciation of its trade and continental ties, as well as its membership in the OAU. One exception to this neutrality was the recent imposition of residence controls by the Egyptian government on the refugees from Sudan, as a result of police allegations that Sudanese nationals were involved in the assassination attempt on President Mubarak in 1995. However, the situations where national security override a flexible working relationship with the UNHCR are so rare as to make them an exception rather than the rule of operation.

In general, though, Egypt follows the international community as to its dealings with the refugee producing countries and the refugee community. This relationship has resulted in both the protection of the refugees in the form of open borders and the provision of temporary residence permits.

Based on the previous comments, the following may be said of the Egyptian state. The Egyptian state still has the final decision on the nature of the relationship between itself and all actors involved with refugees. However, by signing the Convention on refugees, Egypt has permitted itself to be influenced by international obligation on how it deals with the refugee community. Along with its sovereignty and authority with regard to its refugee population, it still operates

on the basis of its international ties.

These international connections also include a relationship with the UNHCR. This relationship is interesting. The choices Egypt has made with respect to the UNHCR are very deliberate. Egypt has decided to delegate the responsibility of refugee status determination to the UNHCR. However, this has not meant that it has stopped communicating with the UNHCR. In general, Egypt has open lines of communications with the UNHCR. These lines of communications involve regular contact. This is done between senior state officials, senior representatives of the UNHCR and operational staff working in both sectors. These contacts could be related to matters of policy or the day to day administrative work. For example, policy discussions can range from Egyptian laws concerning temporary residence permits. In the case of the day to day administrative work, it could be staff from the Ministry of Interior requesting additional information on refugees requesting assistance from their office.

The strength of this relationship is demonstrated when Egyptian officials are prepared to arrest and imprison refugees if their physical safety is in jeopardy and detain them until the UNHCR is able to find durable solutions for these persons. This example is not meant to show that prisons are nice places. However, if this solution works to protect the physical well-being of refugees, it is a viable option.

Another aspect of this relationship relates to money. It may be perceived that Egypt, by allowing the UNHCR the authority to determine refugee status, gives up its political autonomy to the UNHCR. This is not the case, because by

delegating this responsibility Egypt saves public funds. The Egyptian government still demonstrates its control over and commitment to the work of the UNHCR by providing temporary residence permits to UNHCR mandated refugees. The creation of these permits costs the state of Egypt time, personnel and money, but allow it to retain some say in the process. Therefore both the Egyptian government as well as the UNHCR contribute financial resources to the protection of refugees within Egypt.

This positive relationship is extended to discussions between the UNHCR and the state of Egypt on how both parties can assist refugees to be economically self sufficient. To date, Egypt has not signed the clause in the Convention on Refugees which gives the refugee the opportunity to gain access to gainful employment in their country of residence. Egypt did not sign this clause because of the country's high unemployment rates. Even with this reality Egypt and the UNHCR have begun a dialogue to find ways to address this question. As mandates, budgets, interests, constraints, etc. become clarified and agreed on the outcome of the dialogue may become clearer.

As with the UNHCR, Egypt's relationship with the NGO community is also good. The NGO community operates in Egypt under state laws which set down the parameters of the relationship between the NGO and the Egyptian community at large. For example, the NGO community cannot raise funds for its work inside of Egypt. All funding must come from outside of Egypt. On the other hand, in the case of its recent earthquakes in the early 1990s, the government allowed the

NGO community, as part of their assistance to the victims, to fundraise inside the country. This flexibility lifts part of the financial burden of the state onto the NGO community and in turn the public.

UNHCR

As with the state of Egypt, the relationship that the UNHCR has with other actors is multi-dimensional. At the very best the relationship can be cooperative and positive and at worst, the two sides just get the job done without seeking other ways to cooperate. In the case of Egypt, the relationship between the UNHCR and countries of resettlement works well. This can be seen when the UNHCR opens its doors to accommodate staff from different embassies, such as the Americans, for the purpose of processing refugees. In this particular example, approximately 1200 refugees were processed over a two week period. More broadly, the end result of this positive relationship is that several thousand refugees are resettled elsewhere in the world every year. In 1998 alone, over 2000 refugees were processed for overseas resettlement. This type of interaction again demonstrates the importance of the personal relationships which come to bear in the work being done. However, even with this working relationship, the overall number of refugees being accepted by countries of resettlement is small and a long way from easing the tremendous burden on Egyptian resources.

The relationship between the UNHCR and NGOs has many dimensions and involves more than goodwill on the part of the actors. The UNHCR funds NGOs to deliver programs to the UNHCR mandated refugee community. By providing

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funding for program delivery, the UNHCR acts not only as an agency which provides refugee protection and refugee status, but also as a funding agency.

The UNHCR sees NGOs as its partners and implementing agents in its objectives. The UNHCR provides specific NGOs the distinct position of implementing partners by providing them funds to do specific jobs. In this instance, the UNHCR puts itself into a position where it must be and must be seen to be an equitable and fair funder. Equity and fairness comes through in the way the UNHCR handles its contractual obligations. The UNHCR must be seen to adhere to the conditions which have been agreed to. Adherence will also increase the likelihood of getting willing participants in the process. If the UNHCR alienates certain groups it may not be able to access their services. However by demonstrating its equity and fairness, the UNHCR ensures access to as many NGOs as possible. More generally, it could be said that relationships will be determined by both constraints and flexibility. These two concepts may be opposed but they produce a balance whereby the organizations can find their place in a relationship. Another dimension of the relationship between the UNHCR and the NGOs relates to the nature of the NGOs. Organizations involved with the UNHCR, generally, are strong entities in their own right. The strong international connections of the majority of the NGOs enable them to act as equals amongst themselves. For example, Save the Children operates in 42 states¹²² and Caritas

¹²²Save the Children, *Save the Children, USA in Egypt Brochure*, (Cairo: Save the Children, 1997).

has 144 affiliations on five continents.¹²³ In addition funding for the refugee-oriented programs is only a portion of NGOs' total funding. This makes for the strong independence of these organizations as they do not rely totally on the UNHCR for funding. In the case of Egypt this influence is reflected in the fact that at inter-agency meetings NGOs have an equal place at the table. These ongoing inter-agency meetings give the NGOs a voice in planning for programs with the UNHCR. Both the UNHCR and the NGOs can bring concerns of the refugee or asylum seekers to these meetings to see what, if anything, can be done by the group.

Another relationship between the UNHCR and the NGOs relates to the question of perceptions. Broadly speaking, the principal mandate of the UNHCR is the protection of refugees. In the eyes of the NGO community, the UNHCR must be seen as meeting the conditions of its own mandate. In addition, the UNHCR must be seen to be equitable and fair to its implementing partners and other NGOs. By acknowledging the strength of all the NGOs involved with refugee protection and being seen as meeting the conditions of its mandate, the UNHCR is able to involve NGOs in all aspects of refugee protection. This allows the UNHCR to deal with the issue of refugee protection from many dimensions.

In addition to the above there are more general issues of efficiency, accountability, cost-effectiveness and quality. The UNHCR must be and must be seen to be an agency which uses its resources, financial and otherwise in an

¹²³ Caritas-Egypt, *Annual Report 1995*, (Cairo: Caritas, 1995), 6.

efficient manner. This gives it credibility in the eyes of all its stakeholders. Accountability for the UNHCR comes in the form of accurate financial records between itself and its implementing partners. In addition, accountability takes place when the UNHCR follows through with its commitments or, on the other hand, is able to demonstrate the reasoning behind its actions. With respect to cost-effectiveness and quality, the UNHCR again must be and must be seen by its external and internal stakeholders as getting the best quality for its funds. Quality can relate to who it chooses as an implementing partner to the staff it hires in its offices to getting the best quality of paper for the best price available.

Out of all the actors the UNHCR is involved with refugees are the most important. The relationship between the UNHCR and the refugees is the most fundamental to the organization's mandate, as these individuals are its reason d'être. The relationship between the UNHCR and refugees in Egypt is two-fold. There is the question of the assessment and protection of refugees under the 1951 Convention, the 1967 Protocol and the OUA Convention on Refugees. There is also the question of funding for these refugees.

With respect to assessment and protection, the UNHCR in Egypt processes approximately 12,000 refugees per year out of the 2 to 6 million asylum seekers in Egypt. These asylum seekers include refugees, workers, migrants, and other border-crossers. Some of them may choose not to access the services of the UNHCR or do not wish to identify themselves. Nevertheless, having to deal with a great number of these persons gives the UNHCR valuable working knowledge

and experience. In addition, the role of the UNHCR gives it a great deal of power and control over these people's lives. However, this being said, even when a determination is made by the UNHCR, there is room for appeal. This appeal process allows for some balance to ensure fair and appropriate decisions on behalf of the refugees. In general the balance of the relationship with regard to assessment and protection rests with the UNHCR and not the refugees.

Even though the UNHCR decides who is and is not a refugee there is need to take a step back. Who the UNHCR accepts under its convention does not lie with itself but with the United Nations and the international community. If the international community decides that, for example, the political situation is safe for all Ethiopians or Somalians, then protection and resettlement under the UNHCR will not be held out as an option. The refugee community is then left to advocate on its own behalf. Such is the case with a large number of the Ethiopian refugee community in Egypt. Generally, they are currently not offered resettlement under the auspices of the UNHCR.

The other relationship between the UNHCR and refugees relates to the issue of funding. The UNHCR provides its mandated refugees a monthly living stipend to cover housing, food, transportation, etc through a designated NGO. In the case of Egypt, Caritas is the organization which has this role. Caritas has had a long history and positive reputation of working with refugees in the community. In addition, not only does Caritas provide the funding but also is responsible for deciding the amount of money refugees can receive. Parameters for this funding

include, the number of family members and whether the refugees have access to other funding sources.

NGOs

Along with the states and the UNHCR, the NGOs also have a particular type of a relationship with the refugees. The NGO community interacts with refugees in a direct manner. Refugees, in general, tend to be the recipients of the programs offered by the NGOs. These programs include life-skills, health, and vocational training. Participation in the programs is not mandatory. Another way refugees and NGOs interact is that numerous refugees volunteer their time to assist the NGOs. These volunteer activities include translation, counselling and general assistance to other refugees. Furthermore, funding to refugees is provided by the NGO community.

NGOs, in general, try to find the middle ground between working outside of the system, and accomplishing their mission with respect to the refugees. The NGO community in Egypt is well-placed to do advocacy work on behalf of the issue. This advocacy work tends to be quiet in nature. In the case of Egypt this approach is effective in gently encouraging the government to modify its policies. This quietness can give it the strength to achieve its goals.

Because of the issue in question, the international community is watching the UNHCR, and the state of Egypt in their handling of the NGOs. This is demonstrated by the particular care given by the UNHCR staff to keep the lines of communication open between themselves and the NGO community. In addition

the NGOs' international connections may have some bearing should the relationships between them and the UNHCR move in a negative direction. For example, if the UNHCR acceptance rate of refugee claims was reduced to the point where it is accepting very few individuals, NGOs may get their respective home governments involved in the issue by publicly questioning the quality of the work the UNHCR is doing. On the other hand, the NGOs can choose not to be involved with the processing of refugees if they feel that this issue does not coincide with their mandate. By choosing this option, they retain their independence; however, they risk remaining out of the loop of activities and the implications brought on by this.

Each of the actors discussed has a mutual dependence on the others both to meet its mandate objectives and to assist the refugees in Egypt. As a final part of this thesis, the next section is presented to bring the previous sections together. This section takes the form of a general overview and concluding comments on the Egyptian approach.

Chapter Five

GENERAL OVERVIEW AND COMMENTS ON THE APPROACH USED IN EGYPT

A. General Overview

This thesis has covered many aspects of the processing of the refugees who go through the state of Egypt. This section gives a brief overview of the thesis and looks at the strengths and challenges of the process in place. It also looks at the general issues which emerge out of this discussion. For the purposes of the discussion, the use of NGO will encompass both local and international NGOs.

The UNHCR office in Cairo is a regional office which covers a number of countries in the Middle East. There are between 2 and 6 million asylum seekers in Egypt. The figure is not definite as no official records are kept on those entering the country. Out of this number, the UNHCR recognized approximately 12,000 refugees as of 1998.¹²⁴ The majority of refugees the office deals with come from Sudan and Somalia. However, from time to time cases come all the way from Albania and Afghanistan. In total, the office deals with refugees from approximately 20 countries.¹²⁵

There are several actors involved in all aspects of the processing of refugees.

¹²⁴Adel Jasmin, Protection Officer, United Nations High Commissioner for Refugees office, Cairo, Egypt, August 1998.

¹²⁵United Nations High Commissioner for Refugees, *UNHCR Country Profiles - Egypt*, [article on-line] (accessed 30 September 1998); <http://www.unhcr.ch/world/afri/egypt.htm>, Internet.

The organizations involved are: Caritas, Médecins sans Frontières, St. Andrew's Church, All Saints Cathedral, International Organization for Migration, Save the Children, the Cairo Family Planning Association, the Middle East Council of Churches, the International Committee of the Red Cross, and the Cairo Institute for Human Rights Studies. Both Caritas and the Cairo Family Planning Association receive UNHCR funding for programs which classifies them as implementing partners. The funds given to Caritas go toward a monthly living stipend for refugees and the provision of general social services. The funds provided to the Cairo Family Planning Association go toward vocational training, programs on nutrition, family planning, and first aid.

The International Committee of the Red Cross (ICRC), and the Cairo Institute for Human Rights Studies deal with the issue of refugee protection in a broader context. The ICRC does public education in the field of international humanitarian law. The Cairo Institute for Human Rights Studies does general research in the field of human rights throughout Egypt.

The Egyptian government has a number of responsibilities in the field of refugee protection. First and foremost, it provides general protection to refugees in Egypt. Second, the government gives permission to the UNHCR to do the assessment of any asylum seekers seeking refugee status in Egypt. Third, the government provides temporary residence permits to those who are accepted as UNHCR mandated refugees.

B. Strengths

Having laid out an overview of the thesis, it is time to look at the strengths of the process used in Egypt. The Egyptian approach to the process of refugee status determination has many strengths. First, the approach works. The UNHCR office processes approximately 12,000 refugees per year.¹²⁶ Second, the actors who are involved in the total process have open lines of communication. These lines of communication come in the form of regular telephone conversations and inter-agency meetings between both the senior level staff as well as front line staff and applies to all actors: the UNHCR, the state of Egypt, the NGO community and the countries of resettlement. This method of operation is particularly useful when troubleshooting critical issues and in times of emergencies. This practice means that a strong relationship is established between the parties involved and generates mutual support and effort in dealing with the issue. It also enables one or more organizations to offer personal and professional support for projects undertaken by the different organizations. In a prime example of this, the staff of the UNHCR encourages self-sufficiency projects done by Caritas, All Saints Cathedral, and the like.

Ongoing discussions also increase the likelihood of finding new creative ways to deal with any outstanding issues. For example, as indicated before, Egypt has not signed the employment clause of the 1951 Convention. The challenge is to

¹²⁶ Adel Jasmin, Protection Officer, UNHCR office, Cairo, Egypt, August 1998.

find new solutions to permitting the refugee community to gain access to employment in the effort to obtain self-sufficiency in the context of high Egyptian unemployment. A dialogue has been undertaken by the UNHCR and the Egyptian government to come up with a workable solution for both parties. To date, the dialogue is still ongoing.

Realism in this approach is another key strength. The term realism here defines how the actors look at the issues and problems within the context of Egyptian society. By having a healthy dose of realism, the actors have been able work around issues of sovereignty, national security and international concerns. This is demonstrated by the use of lines of authority in dealing with issues. There is a strong acknowledgement of the role of each of the actors and the limitations of each within their respective contexts.

Even though all the organizations are large in the sense that the majority of NGOs working in the field of refugees are some of the largest NGOs in the world, observing how they operate in Egypt demonstrates that they work effectively in the local community. This may be a result of two reasons. First, their mandate reflects how they relate to other actors and the community at large. Second, the personnel is part of the local community and therefore brings a local context and perspective to the various jobs. Finally, from the ground up, the key people involved with refugees have made it their priority to find solutions to problems which may arise.

Some other strengths to the approach are that the NGOs do not strictly rely on

the UNHCR for their program funding, whether it is Caritas or Médecins sans Frontières. Each NGO has other projects with other funding sources giving it a measure of financial independence from the UNHCR. Not only does this happen in Egypt, but other countries as well. Second, there are checks and balances in the system to ensure that it runs well. These checks and balances come in the form of communications running both ways, and appeal processes, both within the UNHCR and the NGOs. Third, the system has, if nothing else, the tacit support of the Egyptian government. The state of Egypt allows the organizations to operate without harassment.

C. Challenges

As with any approach which is used to accomplish a goal, there are not only strengths, but also challenges which it encounters. It is these challenges which must now be considered. The following will outline the challenges I observed while in Egypt. While some of the challenges may relate only to Egypt, others are systemic, occurring in other countries involved with the NGO/IGO community.

Generally speaking, the system in Egypt is constantly evolving, therefore it might not be able to maintain itself as it should to achieve the goals of its stakeholders. The first challenge is that the smooth operation of this approach is based on the fact that the Egyptian state is a willing participant in the system and allows the IGOs as well as the NGOs to operate in the manner they do. Should there be a change in the political regime, the approach currently in place may cease to function. This challenge is applicable not only in Egypt but other

countries as well. For example, in Canada the government has chosen to take in refugees for resettlement. If there is a change of policy, the numbers of resettlement opportunities in Canada will dry up.

The second challenge for this particular approach is that there are numerous actors involved in the process. There is always a risk that stakeholders will overlap in their work which will result in friction and antagonism. In Egypt there are approximately 10 or 15 actors involved in different aspects of refugee protection. During my research I did not witness any friction or antagonism; however, the risk is always present because of the numbers of actors involved and therefore must be acknowledged.

Funding poses a third challenge. This challenge applies to all the sectors involved in the issue. Competition for funding by the NGO community from the UNHCR is always present. Financial resources are limited, which means that no matter how cooperative the actors are, when funding time comes the key issue is to win contracts. These contracts have a direct impact on payrolls, staff layoffs and the program delivery to name a few. If there is no money to deliver the programs nothing is done.

In addition to the funding issue is the question of salary differences. Egypt is another example of a country where there is a direct connection between the NGO community and their international connections. Working within the international community in Egypt ensures a plentiful standard of living for employees as compared to those who work with local NGOs. This is not to imply that the work

done by the local NGOs is better or worse than those NGOs with international connections but to acknowledge the reality which exists in Egypt. This direct international connection and excellent wages also applies to the UNHCR as well as other IGOs working in the country. The result is a dualistic economy where those with international connections live much better than those of an exclusively local character. This challenge applies not only to developing countries such as Egypt but industrialized countries such as Canada and USA. For example, in Canada salaries for those employed in immigrant and refugee serving agencies tend to be much lower than those who have comparable jobs in the public sector.

Furthermore, of particular concern for the NGO community is that if it relies too heavily on UNHCR funding it may end up looking and acting like its donor. In addition, the NGO community has to also be concerned about the funding for the rest of its programming. If an organization relies too heavily on sources of funding outside of its control then there will always be the chance that the funding might dry up. Access to funding enables those NGOs with international funding to be more independent. With international funding, even if they are unable to access local funding, they may still be able to carry out their mandate. On the other hand, the local NGOs do not have as much flexibility.

Finally, there is the issue of raising program funds versus policy or program work. How much time do NGOs spend in raising the monies to do the work versus actually doing the work? This seems to apply to NGOs in Egypt as it does to all NGOs in other countries struggling to find funding for programs. In

addition, if the NGO relies too heavily on external funding contracts for programs it administers, it may lose its effectiveness in addressing the deeper issues. Furthermore, it may not even be willing to address these issues as it may feel that it is in a conflict of interest with its funder.

A fourth challenge involves the question of political clout. This question not only takes place in Egypt, but in other countries as well. The challenge revolves around the reality that the internationally connected actors seem to have more political clout than the local NGOs. This political clout translates into a relationship where the voices of the IGOs and international NGOs are heard more loudly and more of their concerns are addressed. However, this does not seem to happen with the locally based NGOs.

The fifth set of challenges are of particular concern to the UNHCR. There is the issue of funding. Currently the UNHCR has the challenge of having some of its funding states not meet their payment obligations. This leaves a budget shortfall for the UNHCR which hampers its ability to accomplish its mission statement. There is the need to focus constantly on the finances rather than the mission statement. This can and does detract from the main issue which is the protection of refugees.

In addition, although the UNHCR is an international organization with considerable clout, it must constantly walk a fine line with respect to the Egyptian government. This fine line poses the question of whose mandate it is carrying out, its own or that of the Egyptian government? This challenge also applies to the

relationship with its donor countries vis a vis the resettlement question. One question flowing from this fine line is that when the UNHCR has concerns with donor countries that also happen to be resettlement countries, which interests will win out, those of the UNHCR or those of the resettlement country?

Furthermore, the UNHCR must constantly struggle to find resettlement placements as the number of resettlement opportunities constantly falls short of the demand. This causes the UNHCR to be acutely aware of the stance it takes with respect to strongly advocating for more resettlement placements and that many of these countries are also its funders and can withhold monies.

Staffing poses another concern for the UNHCR. The UNHCR hires local staff. There are conflicts of interest which may come to the forefront. Whose interests do the local staff serve, the UNHCR or the Egyptian state? The conflict of interest can be real or perceived. Either way, the UNHCR must contend with this on a daily basis. On the other hand, the UNHCR also hires international staff. Will these staff members be prepared to adjust to local conditions of doing things, including how they carry out the UNHCR's mandate? This challenge is always present, not only in Egypt, but any country where foreign nationals work.

Political clout in the form of political security is also a challenge. Political security in this context refers to the ability or inability to speak freely on sensitive issues. Risks still exist for individuals who are part of the local community as well as foreign nationals. These risks exist within the cultural context. This cultural context includes the politics of the region as well as the politics

surrounding the various religions which exist not only in Egypt but throughout the Middle East. For the foreign nationals, they can leave the country should problems arise. Foreign nationals can get their home governments involved and if they are part of an IGO, they can get other states involved. On the other hand, local nationals do not have access to any of the above resources.

A final challenge exists for both the host nation, in this case, Egypt as well as countries of resettlement. The challenge revolves around competing national interests. For example, Egypt operates within a budget and this budget must be accounted for. The Egyptian government still needs to justify its use of monies for the protection of refugees, whatever this protection may be. Other competing interests include those of a purely political nature, such as dealing with other sectors in the society that do not approve of the Egyptian government being integrated into the international community and all the implications involved in this. In addition, Egypt must balance its need to get refugees settled elsewhere in the world and its dealings with countries of resettlement that are also its international partners in many arenas. The other side of the challenges relates to the countries of resettlement. Although there are competing interests of those sectors that wish to reduce the intake of refugees and national budgets that have to contend with deficits, these countries have fallen short of meeting their international obligation of taking refugees into their communities. Egypt is an example of where there is an effective process in place and yet the numbers of refugees who are accepted for overseas resettlement is small.

D. Overall Assessment

There are several broad issues which emerge out of this discussion and include coordination, accountability, effectiveness, and transferability. As a start, does the Egyptian approach provide coordination of all the component parts which go into the protection of the refugees in Egypt? By all accounts, coordination occurs in Cairo with efforts in place to ensure that as many refugees as possible are served. This service can come through Caritas, or the Middle East Council of Churches, the UNHCR or the state of Egypt. Each of the respective actors in the process takes a piece of the puzzle to bring a holistic approach to the processing and protection of refugees.

Accountability is also important for all the actors. All of them are accountable to each other in some form. Whether this accountability comes in the form of contracts or in reputation, all involved are bound together by their involvement in the process currently in place. Each is also accountable to their respective mandate. If the NGOs do not respect their own mandate, they run the risk of negative repercussions from their parent organizations such as withdrawal of funds and official status. Furthermore the NGOs are accountable to the refugees they serve to provide useful programs. What would be the point to provide programs which are of no use to the refugees they are intended for?

Reality is also an important component of how the actors interact with each other. They all work within the parameters of Egyptian society. These parameters include the laws in place, the culture of the society, and other elements of

Egyptian society which make it a unique community. This goes for the UNHCR, the NGOs, as well as the state of Egypt. This has proven positive in the effective running of the process.

Is the approach effective? Based on the above, the effectiveness of the approach would appear to have proven itself in getting the job done. Programs are in place to assist preparing refugees for overseas resettlement. This preparation runs the gamut of vocational training to language training. All the actors are in constant communications to prevent any unexpected turn of events. However, with all its effectiveness only approximately 2000 refugees were processed for resettlement in 1998. These low numbers appear to be the most serious challenge to the effectiveness of the Egyptian approach. How can the numbers of resettlement opportunities be increased?

So, can this approach or any of its features be transferred elsewhere? Based on what I have seen, I can say that many features are transferable. The one possible exception may be the cultural attitudes which come with working in that region of the world. However, one can take the best of what is there and modify it to suit locales elsewhere.

Therefore, to conclude. This thesis has looked at global governance using the issue of refugee protection and the refugee status determination using Egypt as a case study. When one looks at the actors involved in the protection of refugees, one observes a number of things. The relationships between the actors are good. The approach operates within the current method of addressing global issues in

other parts of the world. It is an effective method to process the number of refugees involved, but is under-utilized. It is a system which is constantly evolving and looking for ways to improve itself. On the whole, the approach used in Egypt offers those who are working in this field a positive way of dealing with not only the question of refugee status determination, but the question of refugee protection as a whole, if only more refugees can be assisted.

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APPENDIX 1

INSTRUMENTS OF PROTECTION FOR REFUGEES/ASYLUM SEEKERS

International

General

- | | |
|------|--|
| 1949 | Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War |
| 1951 | Convention relating to the Status of Refugees |
| 1954 | Convention relating to the Status of stateless Persons |
| 1961 | Convention on the Reduction of Statelessness |
| 1967 | Protocol relating to the Status of Refugees |
| 1967 | United Nations Declaration on Territorial Asylum |
| 1977 | Additional Protocol of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War |

International Bill of Human Rights

- | | |
|------|--|
| 1948 | Universal Declaration of Human Rights |
| 1966 | International Covenant on Civil and Political Rights |
| 1966 | International Covenant on Economic, Social and Cultural Rights |

Other international instruments

- | | |
|------|---|
| 1984 | United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
|------|---|

Africa

- | | |
|------|---|
| 1969 | OAU Convention governing the specific aspects of refugee problems in Africa |
|------|---|

Europe

- 1959 European Agreement on the Abolition of Visas for Refugees
- 1967 Resolution 14 on Asylum to Persons in Danger of Persecution
- 1980 European Agreement on Transfer of Responsibility for Refugees
- 1981 Recommendation on the Harmonization of National Procedures Relating to Asylum
- 1984 Recommendation on the Protection of Persons Satisfying the Criteria in the Geneva Convention who are not Formally Refugees
- 1990 Dublin Convention

Latin America

- 1889 The Montevideo Treaty on International Criminal Law
- 1954 Caracas Convention on Territorial Asylum
- 1984 Cartagena Declaration on Refugees